

OFFICIAL GAZETTE

GOVERNMENT OF GOA

SUPPLEMENT

GOVERNMENT OF GOA

Goa Legislature Secretariat

Notification

LA/B/1465/1999

The following Bill which was introduced in the Legislative Assembly of Goa on 15-7-99 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Municipalities (Amendment) Bill, 1999

(Bill No. 5 of 1999)

A

BILL

further to amend the Goa Municipalities Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Fiftieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (Amendment) Act, 1999.

(2) It shall come into force at once.

2. *Amendment of section 184F.*— For section 184F of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter called the "principal Act"), the following shall be substituted, namely:—

"184F. *Preparation of development plan.*— Every Council shall prepare every year a development plan and submit it to the District Planning Committee constituted under section 239 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994)."

3. *Omission of section 184G.*— Section 184G of the principal Act shall be omitted.

Statement of Objects and Reasons

It is proposed to amend section 184F of the Goa Municipalities Act, 1968 (Act 7 of 1969) so as to provide that the development plan prepared by the Council every year shall be submitted to the District Planning Committee constituted under section 239 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994). Accordingly, section 184G of the Act, 1968, which has become redundant, is proposed to be omitted.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
7th July, 1999

Assembly Hall,
Panaji
8th July, 1999

LUIZINHO FALEIRO
Chief Minister

P. N. RIVANKAR
Secretary to the Legislative
Assembly of Goa

(Annexure to Bill No. 5 of 1999)

The Goa Municipalities (Amendment) Bill, 1999

The Goa Municipalities Act, 1968 (Act 7 of 1969)

Section 184F: *Preparation of development plan.*— Every Council shall prepare every year a development plan and submit it to the District Planning Committee constituted under section 184 G.

184G. *District Planning Committee.*— (1) The Government shall constitute in every district, a District Planning Committee to consolidate the plans prepared by the Councils in the district as a whole.

(2) The District Planning Committee shall consist of:—

(a) members of the House of the People who represent the whole or part of the district;

(b) the members of the Council of State who are registered as electors in the district;

(c) the Chairman of the Council having jurisdiction over the headquarters of the district;

(d) such number of persons, not less than one third of the total number of members of the Committee as may be specified by the Government, elected in the prescribed manner from amongst the members of the Councils in the district, in proportion to the ratio between the population of the urban area in the district.

(3) All the members of the State Legislative Assembly whose constituencies lie within the district shall be permanent invitees of the Committee.

(4) The Chief Executive Officer shall be the Secretary of the Committee.

(5) The Chairman of the District Planning Committee shall be chosen in the manner as may be prescribed.

(6) The District Planning Committee shall consolidate the plans prepared by the Councils in the District and prepare a draft development plan for the district as a whole.

(7) Every District Planning Committee shall in preparing the draft development plan,—

(a) have regard to,—

(i) the matters of common interest between the Councils in the district including special planning, sharing of water and other physical and natural resources, the integrated development of infrastructures and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Government may, by order, specify.

(8) The Chairpersons of every District Planning Committee shall forward the development plan, as recommended by such committee to the Government”.

Assembly Hall,
Panaji
8th July, 1999

P. N. RIVANKAR
Secretary to the Legislative
Assembly of Goa.

LA/B/1466/1999

The following Bill which was introduced in the Legislative Assembly of Goa on 15-7-99 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Panchayat Raj (Second Amendment) Bill, 1999

(Bill No. 6 of 1999)

A

BILL

further to amend the Goa Panchayat Raj Act, 1994.

Be it enacted by the Legislative Assembly of the State of Goa in the Fiftieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Panchayat Raj (Second Amendment) Act, 1999.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) (hereinafter referred to as the “principal Act”),—

(i) after clause (12), the following clause shall be inserted, namely:—

“(12 A) “Member-Secretary” means a person appointed by the Government as Member-Secretary and includes a Block Development Officer;”;

(ii) after clause (20), the following clause shall be inserted, namely:—

“(20 A) “Taluka Panchayat” means a Taluka Panchayat established under this Act;”.

3. *Amendment of sections 5 and 6.*— For sections 5 and 6 of the principal Act, the following shall be respectively substituted, namely:—

“5. *Meeting of Gram Sabha.*— (1) There shall be four ordinary meetings of the Gram Sabha to be held on any Sunday of January, April, July and October of every year, to be convened by the Sarpanch.

(2) There shall also be special meetings of the Gram Sabha to be convened by the Sarpanch on 26th January, 15th August, 2nd October and 19th December, every year.

(3) The meetings of the Gram Sabha shall be presided over by each Sarpanch and attended by the concerned Panchayat member. In the absence of the Sarpanch, Deputy Sarpanch or ward member, the meeting may be presided over by any member chosen by the Gram Sabha.

(4) In the event, the Sarpanch fails to convene the meeting of the Gram Sabha, as specified in sub-sections (1) and (2), the meeting shall be convened by the Block Development Officer in the following month.

(5) The Sarpanch shall, upon a requisition in writing by not less than one tenth of number of members call an extraordinary meeting of the Gram Sabha, within thirty days from the receipt of such requisition.

(6) One-tenth of the total number of members of the Gram Sabha shall form the quorum for the meeting.

(7) When there is no quorum for any meeting after fifteen minutes from the appointed time, the meeting shall stand adjourned for half an hour and when it re-assembles, no quorum shall be necessary to transact the business communicated to members in the agenda of the appointed meeting.

(8) An Officer nominated by the Block Development Officer shall attend the Gram Sabha meetings.

6. *Functions of Gram Sabha.*— (1) The Sarpanch shall place before the Gram Sabha for its approval the following matters:—

(a) the annual statement of accounts;

- (b) annual administration report;
 - (c) budget estimates;
 - (d) the development and other programmes of the work proposed for the current financial year;
 - (e) the last audit report and the replies made thereto;
 - (f) proposal for fresh taxation or enhanced taxation;
 - (g) proposal for organising community service, voluntary labour or mobilisation of the local people for any specific work included in any programme;
 - (h) identification of the beneficiaries under various programmes of the Government;
 - (i) determination of the priorities of the work to be undertaken by the Panchayat;
 - (j) utilisation certificate in respect of the developmental works undertaken by the Panchayat from the grants-in aid or Panchayat funds.
- (2) The Gram Sabha shall constitute minimum two Supervisory Committees to supervise the Panchayat work and other activities. The Supervisory Committees shall submit its report to the Panchayat and also place a copy of their report in the meeting of the Gram Sabha for an appropriate decision.
- (3) The Government shall constitute Vigilance Committees to oversee the quality of works, Schemes and other activities for each Gram Panchayat. The terms and conditions of appointment of the members of the Vigilance Committees shall be such as may be prescribed.
- (4) The decision taken by the Gram Sabha shall be binding on the Panchayat provided it is not contrary to the rules and regulations framed under this Act or any other law for the time being in force and it shall be the duty of the Sarpanch to execute the same as early as possible.
- (5) Any person aggrieved by the decision of the Gram Sabha, may prefer an appeal to the Director within a period of thirty days from the date of such decision and the Director's decision on such appeal shall be final.
- (6) The Director, after giving notice to the Panchayat and the public notice to be displayed on the notice board of the Panchayat and the Office of the Block Development Officer, may pass such order as he may deem fit and proper.
- (7) Any member of the Gram Sabha shall have the right to obtain information relating to any developmental works undertaken by the Panchayat as well as certified copies of the proceedings of the meeting of the Panchayat and Gram Sabha.
- (8) The Gram Sabha shall constitute two or more ward development committees. The powers, functions and the manner of constitution of such committees shall be such as may be prescribed.

(9) A Gram Sabha shall carry out such other functions as the Government may, by general or special order, require.”

4. *Insertion of new Chapters.*— After chapter IV of the principal Act, the following chapters shall be inserted, namely:—

“CHAPTER IV A

Constitution of Taluka Panchayats

115A. *Establishment of Taluka Panchayat and its incorporation.*— (1) For each Taluka, there shall be a Taluka Panchayat having jurisdiction over the entire Taluka excluding such portions of the Taluka as are included in a Municipal Council constituted under the Goa Municipalities Act, 1968 (Act No. 7 of 1969).

(2) Every Taluka Panchayat shall be a body corporate by the name specified by the Government in this behalf, and shall have perpetual succession and a common seal and may by the said name sue or be sued through its corporate name subject to such restrictions as are imposed by or under this or any other enactment, and shall have power to acquire, hold and dispose of any property, moveable or immovable, whether without or within limits of the area over which it has jurisdiction and to enter into contracts and of doing all things necessary, proper and expedient for the purpose for which it is constituted.

115 B. *Composition of Taluka Panchayats.*— (1) Save as otherwise provided by this Act, every Taluka Panchayat shall consist of,—

- (i) one member each elected by the voters from every Village Panchayat;
- (ii) members of the House of the People and the members of the Council of States who are registered as electors within the Taluka;
- (iii) the members of the State Legislative Assembly who are registered as electors within the Taluka;
- (iv) Sarpanch of Panchayats in each Taluka elected from amongst themselves in the ratio of one Sarpanch for a Taluka having upto 15 Panchayats and two Sarpanchas for a Taluka having more than 15 Panchayats, so long as he continues to be the Sarpanch of the Panchayat;
- (v) the Block Development Officer of the respective Block/ Taluka shall be the Member-Secretary of the Taluka Panchayat;

Provided that no such member shall be a Minister or the Speaker or the Deputy Speaker of the Legislative Assembly or the Leader of Opposition or Adhyaksha or Upadhyaksha of Zilla Panchayat or a member of Zilla Panchayat.

(2) If any member of the Taluka Panchayat is elected as a member of the Village Panchayat or Zilla Panchayat, he shall exercise option to retain the membership of the Village Panchayat or the Taluka Panchayat or the Zilla Panchayat within 10 days of his election failing which he shall cease to be a member of the Taluka Panchayat.

(3) Members falling in the category in clauses (ii), (iii), (iv) and (v) of sub-section (1) shall have no right to be elected as Chairperson or Vice-Chairperson, as the case may be.

115 C. *Reservation of seats.*— The reservation of seats as applicable for an election to the Panchayat under the provisions of sub-sections (4), (5) and (6) of section 7 shall, mutatis mutandis, apply to the election of members referred to in clause (i) of sub-section (1) of section 115-B.

115 D. *Territorial Constituencies of Taluka Panchayats.*— The Panchayat as notified by the Government under section 7 of the Act, shall be a single territorial Constituency for the purpose of election to Taluka Panchayat.

115 E. *List of voters.*— The wardwise list of voters prepared under section 13 of the Act, shall form the voters list of the respective Panchayat territorial Constituencies.

115 F. *Right to Vote.*— (1) Every person whose name is in the list of voters relating to a ward of Panchayat shall, subject to the other provisions of the Act, be entitled to vote at any election which takes place in that Panchayat territorial Constituency.

(2) No person shall vote at any election under this Act in more than one Panchayat territorial Constituency or more than once in the same Panchayat territorial Constituency.

115 G. *Qualification of a Candidate.*— (1) A person shall not be qualified to be chosen to fill a seat in a Taluka Panchayat unless his name is included in the voters list of the Village Panchayat territorial Constituency for the time being in force.

(2) A person shall not be qualified to be chosen from a territorial Constituency to fill a seat in a Taluka Panchayat in the case of a seat reserved for women or backward classes, unless such person is a member of these classes or is a women.

115 H. *Disqualification for members.*— The provisions of section 10 of the Act shall, mutatis mutandis, apply to the members of the Taluka Panchayat subject, however, that the expression 'Panchayat' wherever it appears in that section, shall be construed as a reference to 'Taluka Panchayat'.

115 I. *Vacation of seats by members.*— The provisions of sub-section (1) of section 12 shall, mutatis mutandis, apply to the members of the Taluka Panchayat, subject, however, that the expression 'Panchayat', wherever it appears in that section, shall be construed as a reference to 'Taluka Panchayat'.

115 J. *Decision on question as to disqualification and on vacation of seats by members.*— If any question arises as to whether a member of a Taluka Panchayat has become subject to any disqualification referred to in section 115 H or in section 115 I, it shall be decided by the State Election Commissioner whose decision thereon shall be final.

115 K. *Application of certain sections relating to elections.*— (1) The provisions of sections 15 to 41, 125 and 126 shall apply, mutatis mutandis, in respect of election to the Taluka Panchayats, subject, however, that the expressions 'Panchayat' or 'Zilla Panchayat', wherever they appear, shall be construed as a reference to 'Taluka Panchayat'.

(2) The deposit as security for costs as provided under section 16, so far as Taluka Panchayat is concerned, shall be Rs. 1000/-.

115 L. *Publication of names of members, term of office, resignation of members and casual vacancies.*— The provisions of sections 128, 129, 130 and 132 shall, mutatis mutandis, apply in respect of all members of Taluka Panchayats, subject, however, that the expressions 'Zilla Panchayat' and 'Adhyaksha', wherever they appear in those sections, shall be construed as 'Taluka Panchayat' and 'Chairperson' respectively.

115 M. *Application of certain sections relating to election of Chairperson or Vice-Chairperson and other matters.*— The provisions of sections 133, 135, 136, 137, 138 and 139 shall apply, mutatis mutandis, in respect of election of Chairperson or Vice-Chairperson and other matters of Taluka panchayats, subject, however, that the expressions 'Zilla Panchayat', 'Chief Executive Officer' and 'Adhyaksha' or 'Upadhyaksha', wherever they appear in these sections, shall be construed as 'Taluka Panchayat', 'Block Development Officer', 'Chairperson' and 'Vice-Chairperson' respectively.

115 N. *Removal of Chairperson, Vice-Chairperson or member for misconduct.*— (1) The Chairperson, Vice-Chairperson or member of a Taluka Panchayat shall, after an opportunity is afforded for hearing, be removable by an order passed by the State Election Commissioner, on the ground of remiss in the discharge of duties or for any disgraceful conduct or if he has become incapable or misuses or abuses the power or exercises the powers which are not expressly vested in him by or under the Act, Rules or bye-laws framed thereunder.

(2) The Chairperson or Vice Chairperson or member so removed under sub-section (1) shall not be eligible for re-election for a period not exceeding 5 years, as the State Election Commissioner may specify in his order. The Chairperson or Vice-Chairperson removed from office may also be removed from the membership by the State Election Commissioner for such period as may be specified in his order.

115 O. *Liability and accountability of members.*— Any member who has held the Office of Chairperson or Vice-Chairperson or as a Member of Taluka Panchayat at any time and has committed any acts and misdeeds or any disgraceful conduct or has caused monetary loss to the Taluka Panchayat or to the Government or committed breach of trust as a Chairperson or Vice-Chairperson or a member of Taluka Panchayat, as the case may be, shall, on removal from such office by the State Election Commissioner from the membership of the Taluka Panchayat, be personally liable for the loss, waste or misapplication of any money or other property of the Taluka Panchayat to which he has been a party and the State Election Commissioner, after giving the Chairperson or Vice-Chairperson or member concerned a reasonable opportunity for show cause to the contrary shall, by order in writing, direct to such person to pay to the Government or to the Taluka Panchayat, as the case may be, before a fixed date such amount as deems fit.

115 P. *Salaries and allowances to the Chairperson, Vice-Chairperson and other members.*— (1) The salary and allowances of the Chairperson and the Vice-Chairperson shall be payable from the Taluka Panchayat funds.

(2) Every member of a Taluka Panchayat, other than the Chairperson or the Vice-Chairperson, shall be entitled to receive from the funds of the Taluka Panchayat such sitting fees and allowances as may be prescribed.

CHAPTER IV B

Functions, Duties and Powers of Taluka Panchayat, Chairperson and Vice-Chairperson.

115 Q. *Functions of the Taluka Panchayat.*—(1) Subject to such conditions as may be specified by the Government from time to time, the Taluka Panchayat shall perform the functions specified in Schedule IA.

115 - R. *Assignment of functions.*—(1) The Government may assign to a Taluka Panchayat functions in relation to any matters to which the executive authority of the Government extends.

(2) The Government may, by notification, withdraw or modify the functions assigned under this section.

(3) The Zilla Panchayat may, by order, assign to Taluka Panchayat any functions relating to any matters to which the executive authority of the Zilla Panchayat extends.

115 S. *Standing Committees.*—(1) The Taluka Panchayat shall have the following Committees (hereinafter called the 'Standing Committees'), namely:—

- (a) General Standing Committee;
- (b) Finance, Audit and Planning Committee;
- (c) Social Justice Committee;
- (d) Education and Health Committee;
- (e) Agriculture and Industries Committee;
- (f) Taluka Development Committee.

(2) Each Standing Committee shall consist of such number of members not exceeding five, elected by the members of the Taluka Panchayat from amongst themselves.

(3) The Chairperson shall be the Ex-Officio Member and Chairman of the General Standing Committee and the Finance, Audit and Planning Committee. The Vice-Chairperson shall be the Ex-Officio Member and Chairman of the Social Justice Committee. The other Standing Committees shall elect the Chairman from amongst their members.

(4) No member of the Taluka Panchayat shall be eligible to serve on more than two Standing Committees.

(5) The Block Development Officer shall be the Ex-Officio Secretary of all the Standing Committees.

(6) The Standing Committees shall perform such functions as may be specified in the regulations made by the Taluka Panchayat.

115 T. *Delegation of powers.*—The Taluka Panchayat may by notification, delegate to the Block Development Officer or other Officer, any of the powers conferred by or under this Act on the Taluka Panchayat.

115 U. *General powers of Taluka Panchayat.*—(1) The Taluka Panchayat shall have powers to do all acts necessary for or incidental to, the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers, to exercise all powers specified under this Act.

(2) Subject to the general or special orders of the Government or Zilla Panchayat, a Taluka Panchayat may,—

(a) provide for carrying out any work or measure likely to promote the health, safety, education, comfort, convenience or social or economic or cultural well-being of the inhabitants of the district;

(b) contribute to associations of all India, State or Inter-State level, concerned with the promotion of local Government and to exhibitions, seminars and conferences within the district related to the activities of the Panchayat and Taluka Panchayat;

(c) ensure that the grant-in-aid released to the Panchayats are properly utilised and utilisation certificates sent to the sanctioning authority for the purpose for which it is sanctioned;

(d) supervise any works undertaken by any Panchayat and make recommendations, if any, to the Panchayat if the work is not properly carried on;

(e) call for any return, statement, account or report from any Panchayat.

115 V. *Powers and duties of the Chairperson.*—The Chairperson of the Taluka Panchayat shall,—

(a) convene, preside and conduct meetings of the Taluka Panchayat;

(b) discharge all duties imposed and exercise all the powers conferred on him by or under this Act or perform such functions entrusted to him by the Government from time to time;

(c) exercise administrative supervision and control over the acts of the Block Development Officer, other Officers and staff of the Taluka Panchayat for securing implementation of resolutions or decisions of the Taluka Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act or rules or any general or specific directions issued under this Act;

(d) exercise overall supervision over the financial and executive administration of the Taluka Panchayat and place before the Taluka Panchayat all questions connected therewith which shall appear to him to require its orders and for this purpose may call for records of the Taluka Panchayat;

(e) have power to accord sanction upto a total sum of Rs. 5,000/- in each case for meeting the unforeseen expenditure provided that the Chairperson shall place at the next meeting of the Taluka Panchayat for its ratification, the details of such sanctions.

115 W. *Powers and duties of the Vice-Chairperson.*—The Vice-Chairperson of the Taluka Panchayat shall,—

(a) exercise the powers and perform the functions of the Chairperson when he is absent on leave or incapacitated from functioning; and

(b) in the absence of the Chairperson, preside over the meetings of the Taluka Panchayat.

115 X. *Power of making contracts.* — (1) Every contract or agreement entered into on behalf of the Taluka Panchayat, shall be binding on the Taluka Panchayat only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) The Member-Secretary shall execute contract or agreement on behalf of the Taluka Panchayat in respect of matters which he is empowered to carry out under the provisions of this Act. He may execute such contract or agreement on behalf of the Taluka Panchayat upto such amount of value of contract or agreement as may be specified by the Government from time to time. In the other cases, he shall execute a contract or Agreement only with the sanction of the Taluka Panchayat.

CHAPTER IV C

Staff of Taluka Panchayat

115 Y. *Staff of Taluka Panchayat.* — The Government may, by order, specify the staffing pattern and scales of pay of the Officers and other staff of the Taluka Panchayat.

115 Z. *Member-Secretary.* — The Block Development Officer of the respective Block-Taluka shall be the Ex-Officio Member-Secretary of the Taluka Panchayat and shall carry out the functions and duties as are assigned under the Act and Rules made thereunder.

115 Z-A. *Functions, powers and duties of the Member-Secretary.* — (1) Save as otherwise expressly provided by or under this Act, the Member-Secretary shall,—

(a) exercise all the powers specially imposed or conferred upon him by or under this Act or under any other law for the time being in force;

(b) lay down the duties of and supervise and control the officers and officials of, or holding office under the Taluka Panchayat in accordance with rules made by the Government;

(c) supervise and control the execution of all works of the Taluka Panchayat;

(d) take necessary measures for the speedy execution of all works and developmental Schemes of the Taluka Panchayat;

(e) have custody of all papers and documents connected with the proceedings of the meetings of the Taluka Panchayat and its Committees;

(f) draw and disburse moneys out of the Taluka Panchayat fund; and

(g) exercise such other powers and discharge such other functions as may be prescribed.

(2) The Member-Secretary shall attend every meeting of the Taluka Panchayat and any Committee thereof and take part in the discussion but shall not have the right to move any resolution or to vote. If, in the opinion of the Member-Secretary, any proposal before the Taluka Panchayat is violative of or inconsistent with

the provisions of this Act or any other law or the rules or orders made thereunder, it shall be his duty to bring the same to the notice of the Taluka Panchayat.

(3) The Member-Secretary shall, within fifteen days from the date of the meeting of the Taluka Panchayat or of any of its Committees, submit to the Government every resolution of the Taluka Panchayat or any of its Committees which in his opinion is inconsistent with the provisions of this Act or any other law; and shall not implement such resolution otherwise than as decided by the Government.

(4) All Officers of the Taluka Panchayat shall assist the Member-Secretary in the performance of his duties.

115 Z-B. *Member-Secretary's right to requisition records, etc.* — (1) Every person in possession of moneys, accounts, records or other property pertaining to a Panchayat or Taluka Panchayat shall, on the requisition in writing of the Member-Secretary for this purpose, forthwith hand over such moneys or deliver up such accounts, records or other property to the Member-Secretary or the person authorised in the requisition to receive the same.

(2) Every person knowing where any moneys, accounts, records or other property appertaining to a Panchayat or Taluka Panchayat are concealed, shall be bound to give information of the same to the Member-Secretary.

(3) An appeal shall lie to the Director from an order of the Member-Secretary under this section.

CHAPTER IV-D

Financial Control and Audit

115 Z-C. *Application of certain sections relating to accounts and budget of the Taluka Panchayat.* — The provisions of sections 182, 183, 184, 185, 186, 187, 189, 190, 197 and 198 shall, mutatis mutandis, apply in respect of financial matters of Taluka Panchayat, subject, however, that the expressions "Secretary", "Chief Executive Officer", "Block Development Officer", "Panchayat" or "Zilla Panchayat", wherever they appear in those sections, shall be construed with reference to "Member-Secretary" and "Taluka Panchayat".

CHAPTER IV-E

Properties and Funds of Taluka Panchayats

115 Z-D. *Application of certain sections relating to properties and funds of the Taluka Panchayat.* — The provisions of sections 164, 165, 166, 167, 168, 169, 170, 171 and 172 shall apply, mutatis mutandis, in respect of Taluka Panchayat, subject, however, that the expressions "Panchayat" and "Zilla Panchayat", wherever they appear in those sections, shall be construed with reference to "Taluka Panchayat" and the expressions "Adhyaksha" and "Upadhyaksha", wherever they appear, shall be construed as "Chairperson" and "Vice-Chairperson" respectively.

CHAPTER IV-F

Inspection, Supervision, etc.

115 Z-E. *Application of certain sections relating to inspection, supervision, etc.* — The provisions of sections 173, 174, 175, 176, 177, 178, 179 and 180 contained in Chapter X shall, mutatis

mutandis, apply to the Taluka Panchayat, subject, however, that the expressions "Panchayat" or "Zilla Panchayat", wherever they appear in those sections, shall be construed with reference to "Taluka Panchayat", and for the expression "Sarpanch or the Deputy Sarpanch", the expressions "Chairperson or Vice-Chairperson" shall be construed.

CHAPTER IV-G

Miscellaneous

115 Z-F. *Application of certain sections relating to miscellaneous matters to Taluka Panchayat.*— The provisions of sections 200, 202, 203, 204, 205, 206, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 241, 242, 243, 244 and 246 shall apply, mutatis mutandis, in respect of matters relating to Taluka Panchayat, subject, however, that the expressions "Panchayat" or "Zilla Panchayat", wherever they appear, shall be construed as "Taluka Panchayat", the expressions "Chief Executive Officer" and "Secretary", wherever they appear, shall be construed as "Member-Secretary" and the expressions "Adhyaksha or Upadhyaksha", "Sarpanch or Deputy Sarpanch", wherever they appear, shall be construed as "Chairperson" or "Vice-Chairperson" of the Taluka Panchayat."

5. *Amendment of section 117.*— In section 117 of the principal Act, for clause (iv), the following shall be substituted, namely:—

"(IV) Chairperson of each Taluka Panchayat."

6. *Amendment of section 181.*— In section 181 of the principal Act,—

(1) in sub-section (1),—

(i) after the word "Panchayat" and before the words "and Zilla Panchayat", the expression "Taluka Panchayat" shall be inserted; and

(ii) for the expression "Schedule I and II", the expression "Schedules I, IA and II" shall be substituted;

(2) in sub-section (2),—

(i) after the words "the Panchayat" and before the words "or Zilla Panchayat", the words "or Taluka Panchayat" shall be inserted;

(ii) in proviso, after the words "the Panchayat" and before the words "or the Zilla Panchayat", the expression "Taluka Panchayat" shall be inserted.

7. *Amendment of section 199.*— In section 199 of the principal Act, in sub-section (1),—

(i) for the expression "Zilla Panchayats, Panchayats", the expression "Zilla Panchayats, Taluka Panchayats and Panchayats" shall be substituted;

(ii) in clause (a),—

(a) in sub-clause (i), for the expression "Zilla Panchayats and Panchayats", wherever it occurs, the expression "Zilla Panchayats, Taluka Panchayats and Panchayats" shall be substituted;

(b) in sub-clause (ii), for the words "Zilla Panchayats", the expression "Zilla Panchayats, Taluka Panchayats and Panchayats" shall be substituted;

(c) in sub-clause (iii), for the expression "Zilla Panchayat and Panchayat", the expression "Zilla Panchayat, Taluka Panchayat and Panchayat" shall be substituted;

(iii) in clauses (b) and (c), for the expression "Zilla Panchayats and Panchayats", the expression "Zilla Panchayats, Taluka Panchayats and Panchayats" shall be substituted.

8. *Amendment of section 241.*— In section 241 of the principal Act, for the expression "Schedules I, II and III", wherever they occur, the expressions "Schedules I, IA, II and III" shall be substituted.

9. *Insertion of new Schedule.*— After Schedule I appended to the principal Act, the following Schedule I A shall be inserted, namely:—

"SCHEDULE—I-A

Functions and Responsibilities of Taluka Panchayat

I. General functions:

Overall supervision over the developmental works undertaken by Village Panchayats in respect of the matters devolved under Schedule I, co-ordination and integration of development schemes at Taluka and preparing the plan for the development of the Taluka.

II. Agriculture (including Agricultural Extension) and Horticulture:

(1) Promotion of measures to increase agricultural production and to popularise the use of improved agricultural practices.

(2) Opening and maintenance of agricultural and horticultural farm and commercial farms.

(3) Conducting agricultural fairs and exhibitions.

III. Land improvement and soil conservation:

Implementation of land improvement and soil conservation programmes entrusted by the Government/ Zilla Panchayat.

IV. Minor Irrigation, Water Management and Watershed Development:

(1) Construction, renovation and maintenance of minor irrigation works.

(2) Watershed development programmes.

V. Animal Husbandry, Dairying and Poultry:

(1) Establishment and maintenance of Taluka and Village Veterinary Hospitals, first-aid centres and mobile Veterinary Dispensaries.

(2) Improvement of breed of cattle, poultry and other livestock;

- (3) Promotion of dairy farming, poultry and piggery;
- (4) Prevention of epidemics and contagious diseases.

VI. Fisheries:

- (1) Development of fisheries in irrigation works vested in the Taluka Panchayat.
- (2) Implementation of fishermen's welfare programmes.

VII. Khadi, Village and Cottage Industries:

- (1) Promotion of rural and cottage industries.
- (2) Implementation of Schemes of State Boards and All India Boards and Commissions for development of rural and cottage industries.

VIII. Small-Scale industries including Food Processing industries.

Promotion of Small Scale Industries.

IX. Rural Housing:

Promotion of rural housing programmes.

X. Drinking water:

Promotion of drinking water and rural sanitation.

XI. Minor forest products and Fuel and Fodder:

- (1) Promotion of social and farm forestry, fuel plantation fodder development.
- (2) Management of minor forest produce of the forest raised community lands.
- (3) Development of waste lands.

XII. Roads, Buildings, Bridges, Ferries, Waterways and other means of communication:

- (1) Construction and maintenance of Taluka roads and culverts, causeways and bridges (excluding State Highways and Village roads) within the Taluka.
- (2) Construction of administrative and other buildings connected with the requirement of the Taluka Panchayat.

XIII. Non-Conventional, Energy sources:

Awareness programme for the promotion and development of non-conventional energy sources.

XIV. Poverty Alleviation Programmes:

Planning, supervision and monitoring the implementation of poverty alleviation programmes in the villages.

XV. Education including primary schools:

- (1) Promotion of educational activities in the Taluka including the establishment and maintenance of primary schools;

- (2) Establishment and maintenance of Ashram School and orphanages;
- (3) Survey and evaluation of educational activities;
- (4) Construction and maintenance of Secondary Schools.

XVI. Technical Training and Vocational Education:

- (1) Establishment and maintenance of rural artisan vocational training centres;
- (2) Encouraging and assisting rural Vocational Training centre.

XVII. Adult and Non-formal Education:

Implementation of programmes of adult literacy and non-formal education programme entrusted by Zilla Panchayat.

XVIII. Markets and Fairs:

Regulation of important fairs and festivals in the Taluka.

XIX. Health and family Welfare:

- (1) Management of rural sub-health centres and dispensaries excluding those under the management of the Government or any local authority;
- (2) Implementation of maternity and child health programmes;
- (3) Implementation of family welfare programmes;
- (4) Implementation of immunisation and vaccination programme.

XX. Woman and Child Development:

- (1) Promotion of programme relating to development of Women and Children;
- (2) Promotion of school health and nutrition programmes.

XXI. Welfare of the weaker sections and in particular of handicapped and mentally retarded:

Promotion of Social Welfare Programmes, including welfare of handicapped, mentally retarded and destitutes.

XXII. Welfare of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes:

- (1) Promotion of educational, economic, social, cultural and other interests of the Scheduled Castes, Scheduled Tribes and Backward Classes;
- (2) Protecting such Castes, Tribes and Classes from social injustice and all forms of exploitation;
- (3) Establishment and management of hostels for such Castes, Tribes and Classes.

XXIII. Maintenance of community assets:

- (1) Maintenance of community assets vested in it or transferred to it by the Government or any local authorities or organisations;

(2) Assisting the Government in the preservation and maintenance of other community assets.

XXIV. Cultural activities:—

Promotion of social and cultural activities.

XXV. Rural Electrification.

XXVI. Co-operation:

Promotion of co-operative activities.

XXVII. Libraries:

Promotion of libraries.

XXVIII. Such other functions as may be entrusted.”

10. *Amendment of Schedule II.*— For existing Schedule II appended to the principal Act, the following Schedule shall be substituted, namely:—

“SCHEDULE—II

Functions and responsibilities of Zilla Panchayat

I. General functions:—

Overall supervision, co-ordination and integration of development schemes at District levels and preparing the plan for the development of the District.

II. Agriculture (including Agricultural Extension) and Horticulture:—

(1) Establishment and maintenance of godown.

(2) Management of agricultural and horticultural extensions and training centres.

(3) Training of farmers.

III. Land improvement and soil conservation:—

Planning and implementation of land improvement and soil conservation programmes entrusted by the Government.

IV. Minor Irrigation, Water Management and Watershed Development:—

(1) Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Panchayat.

(2) Development of ground water resources.

(3) Supervision over the minor irrigation works undertaken by Taluka Panchayat.

V. Animal Husbandry, Dairying and Poultry:—

(1) Supervision over the Village Veterinary Hospitals, first-aid Centres and Mobile Veterinary dispensaries;

(2) Training for farmers of dairy farming, Poultry and Piggery.

VI. Fisheries:—

(1) Development of fisheries in irrigation works vested in the Zilla Panchayat;

(2) Promotion of inland, brackish water and marine fish culture.

VII. Khadi, Village and Cottage Industries:—

(1) Establishment and Management of Training-cum-Production Centre;

(2) Organisation of marketing facilities for products of cottage and village industries.

VIII. Small-Scale industries including Food Processing Industries:—

Educating youth for establishment of Small-Scale Industries.

IX. Rural Housing:—

Guidance to the Taluka Panchayat for promotion of Rural Housing Programme.

X. Drinking Water:—

Guidance for promotion of drinking water and rural sanitation to Taluka Panchayat and Village Panchayat.

XI. Minor forest produce and Fuel and Fodder:—

Guidance for the management of minor forest produce of the forest raised community lands.

XII. Roads, Buildings, Bridges, Ferries, Waterways and other means of communication:—

(1) Construction and maintenance of District roads and culverts, causeways and bridges (excluding State Highways and Village roads);

(2) Construction of administrative and other buildings connected with the requirements of the Zilla Panchayat;

(3) Supervision over the works undertaken by Village Panchayat and Taluka Panchayat as regards the construction of roads.

XIII. Non-Conventional, Energy sources:—

Promotion and development of non-conventional energy sources.

XIV. Poverty Alleviation Programmes:—

Supervision over the implementation of poverty alleviation programmes in the Village Panchayat.

XV. Education including primary schools:—

(1) Promotion of educational activities in the District including the establishment and maintenance of Higher Secondary Schools;

(2) Establishment and maintenance of Ashram School and orphanages;

(3) Survey and evaluation of education activities;

(4) Construction and maintenance of Higher Secondary Schools.

XVI. Technical training and vocational Education:—

(1) Encouraging and assisting rural vocational training.

XVII. Adult and Non-formal Education:—

Supervision over the implementation of programmes of Adult Literacy and Non-formal Education Programme.

XVIII. Health and Family Welfare:—

(1) Management of hospitals and dispensaries excluding those under the management of Government or any local authority;

(2) Supervision over the implementation of maternity and Child Health Programme;

(3) Supervision over the implementation of family welfare programme;

(4) Supervision over the implementation of immunisation and vaccination programme.

XIX. Woman and Child Development:—

(1) Supervision over the promotion of programme relating to development of Women and Children;

(2) Supervision over the promotion of school health and nutrition programme;

(3) Supervision over the promotion of participation of voluntary organisations in Women and Child Development Programmes.

XX. Welfare of the weaker sections and in particular of handicapped and mentally retarded:—

Promotion of Social Welfare Programme, including Welfare of handicapped, mentally retarded and destitutes.

XXI. Welfare of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes:—

(1) Supervision and management of hostels in the District, distribution of grants, loans and subsidies to individuals and other Schemes for the welfare of Scheduled Castes, Scheduled Tribes and Backward Classes.

XXII. Maintenance of Community assets:—

Supervision and guidance over the community assets maintained by Taluka Panchayats and Panchayats.

XXIII. Cultural activities:—

Promotion of social and cultural activities.

XXIV. Rural electrification:—

Supervision over electrification by Taluka Panchayat and Village Panchayat.

XXV. Libraries:—

Supervision over the construction of libraries by Taluka Panchayat and Village Panchayat.

XXVI. Such other functions as may be entrusted.”.

Statement of Objects and Reasons

The Bill seeks to insert new Chapters in the Goa Panchayat Raj Act, 1994 (Act 14 of 1994) to provide for the constitution of Taluka Panchayats at an intermediate level and matters connected therewith, co-ordination of the functioning between the Zilla Panchayats and the Village Panchayats and also for better implementation of the socio-economic programme.

(2) The Bill also seeks to amend sections 5 and 6 of the Act, 1994, so as to strengthen the Gram Sabhas by giving more powers to the Gram Sabha to approve projects, identify the beneficiaries, determine the priorities and approve the utilization certificates. It is also proposed to have four meetings instead of two ordinary meetings and the decision of the Gram Sabha has been made mandatory on the Panchayat body. The relation between the Gram Sabha and the Village Panchayat will be like that of Legislature and the Government.

(3) The Bill also seeks to insert new Schedule I - A in the Act, 1994, specifying the functions and responsibilities of the Taluka Panchayat. Schedule II to the Act, 1994, specifying the functions and responsibilities of Zilla Panchayat is also proposed to be amended.

This Bill seeks to achieve the above objects.

Memorandum Regarding Delegated Legislation

Sub-section (9) of section 6 empowers the Government to entrust functions to the Gram Sabha from time to time. Sub-section (2) of section 115 P empowers the Government to frame rules prescribing the sitting fees and allowances of members of the Taluka Panchayat. Section 115 R empowers the Government to assign any functions to a Taluka Panchayat as also to withdraw or modify any functions. Similarly, under sub-section (3) of section 115 R, a Zilla Panchayat has been authorised to assign any functions to the Taluka Panchayats. Section 115 T empowers the Taluka Panchayat to delegate its powers to the Block Development Officer or other Officer. Section 155 Y empowers the Government to specify the staffing pattern and scales of pay of the Officers and other staff of the Taluka Panchayat.

Financial Memorandum

The existing offices of the Block Development Officers as well as the staff of the other Departments which are declared surplus will be re-deployed and the creation of posts will be avoided as far as practicable. Thus, there will be no expenditure on the staff. However, certain T.A./D.A. will have to be paid to the Chairperson, Vice-Chairperson and Members of the Taluka Panchayat for attending the meetings. The exact amount cannot be worked out at this stage as the rates are to be decided by the Government. The existing offices of the Block Development Officers will be utilized for holding the meetings of the Taluka Panchayat. However, in some Blocks some larger space will be required for making chamber to the Chairpersons of the Taluka Panchayats. Wherever Government Office accommodation is available, the Collector will be requested to allot additional space.

Panaji
9th July, 1999

LUIZINHO FALEIRO
Chief Minister

Assembly Hall,
Panaji
10th July, 1999

P.N. RIVANKAR
Secretary to the
Legislative Assembly of Goa

Governor's recommendation under Article 207 of the Constitution.

In pursuance of Article 207 of the Constitution, the Governor of Goa has recommended to the Legislative Assembly of Goa, the introduction and Consideration of the Goa Panchayat Raj (Second Amendment) Bill, 1999.

ANNEXURE TO BILL No. 6 OF 1999

The Goa Panchayat Raj (Second Amendment) Bill, 1999

The Goa Panchayat Raj Act, 1994

(Act No. 14 of 1994)

ACT

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(1) "Backward classes" means such classes of citizens as may be notified by the Government from time to time as belonging to backward class;

(1-A) "Block Development Officer" means a person appointed as Block Development Officer by the Government;";

(2) "building" includes a house, outhouse, stable, privy, urinals, shed, hut, wall and any other structure whether of masonry, bricks, wood, metal or any other material, but does not include a temporary structure erected on ceremonial or festive occasion or a tent;

(3) "Sarpanch" means the Sarpanch of a Panchayat.

(4) "Deputy Sarpanch" means the Deputy Sarpanch of a Panchayat.

(5) "Adhyaksha" means the Adhyaksha of a Zilla Panchayat.

(6) "Upadhyaksha" means the Upadhyaksha of a Zilla Panchayat.

(7) "Collector" means the Collector of the District "and includes an Additional Collector;";

(8) "Chief Executive Officer" means the Chief Executive Officer of a Zilla Panchayat; "and includes any other Officer appointed by the Government in this behalf;";

(8-A) "Deputy Director" means the person appointed as the Deputy Director of Panchayats by the Government;

(9) "Director" means the person appointed as the Director of Panchayat under this Act;

(10) "district" means a revenue district;

(11) "Government" means the Government of Goa;

(11-A) "Gram Sevak" means the person appointed by the Director to perform the duties as Gram Sevak;";

(12) "land" includes land which is built upon or covered with water;

(13) "notification" means a notification published in the Official Gazette;

(14) "Panchayat" means a Village Panchayat established under section 3;

(15) "erection or re-erection or enlargement" of any building includes,—

(i) any material alteration or enlargement in or of any building;

(ii) the conversion, by structural alteration, into a place of human habitation of any building not originally meant or constructed for human habitation;

(iii) the conversion of one or more places of human habitation into a greater number of such places;

(iv) the conversion of two or more places of human habitation into a lesser number of such places;

(v) such alteration of a building as would effect a change in the drainage or sanitary arrangements or materially affect its security; ;

(vi) the addition of any rooms, buildings, houses or other structures to any building;

(vii) the conversion, by any structural alteration into a place of religious worship or into a building not originally meant or constructed for such purposes;

(viii) roofing or covering an open space between wall or buildings, in respect of the structure which is formed by roofing or covering such space;

(ix) conversion into a stall, shop, warehouse or godown or any building not originally constructed for use as such or vice versa;

(x) construction of a door in a wall adjoining any street or land not vested in the owner of the wall and opening in such street or land;

(16) "factory" means besides a factory as defined in the Factories Act, 1948 (Central Act 13 of 1948), any premises including the

precincts thereof wherein any industrial manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(17) "prescribed" means prescribed by rules framed under this Act;

(18) "Schedule" means a Schedule appended to this Act;

(19) "Scheduled Castes and Scheduled Tribes" means such Scheduled Castes and Scheduled Tribes specified in respect of the State of Goa under the Constitution;

(20) "Secretary" means the Secretary of the Panchayat;

(21) "Zilla Panchayat" means a Zilla Panchayat established under this Act.

5. *Meeting of Gram Sabha.*— (1) There shall be a meeting of Gram Sabha called by the Sarpanch or in his absence or in default by the Block Development Officer once in six months on such date and at such time and place as may be prescribed:

Provided that the Sarpanch shall, upon a requisition in writing by not less than one fifth of number of members and within thirty days of the receipt of such requisition, call an ordinary general meeting of the Gram Sabha.

(2) The Sarpanch or, in his absence, the Deputy Sarpanch, or, in the absence of both, any person chosen by the Gram Sabha shall preside at such meeting.

(3) One-tenth of the total number of members of the Gram Sabha shall form the quorum for the meeting.

(4) When there is no quorum for any meeting, after fifteen minutes from the appointed time, the meeting shall stand adjourned for half an hour and when it re-assembles, no quorum shall be necessary to transact the business communicated to members in the agenda of the appointed meeting.

(5) An officer nominated by the Block Development Officer shall attend the Gram Sabha meetings.

6. *Work at General Meeting.*— (1) The Panchayat shall place before the Gram Sabha,—

(a) the annual statement of accounts;

(b) the report on the administration of the preceding financial year;

(c) the development and other programmes of work proposed for the current financial year;

(d) the last audit report and replies made thereto;

(e) proposals for fresh taxation or enhanced taxation under any new programme not covered by clauses (a) and (c); and

(f) proposals for organising community service, voluntary labour or mobilisation of the local people for any specific work included in any programme.

(2) It shall be open to the Gram Sabha to discuss any or all of the matters placed before it under sub-section (1) and the Panchayat shall consider the suggestions, if any, made by the Gram Sabha.

(3) A Gram Sabha may constitute one or more Vigilance Committees, as may be necessary to supervise Panchayat works, schemes and other activities which shall submit its report to the Gram Sabha in its meetings.

(4) A Gram Sabha shall carry out such other functions as the Government may, by general or special order require.

7. *Constitution of Panchayats.*— (1) A Panchayat shall consist of, such number of members as the Government may, by order, determine, so far as may be in accordance with the following Table:—

TABLE

For a Panchayat with a population of.	Number of Members.	Classification.
(1) 1500 or more but not more than 2000	5	D
(2) more than 2000 but not more than 5000	7	C
(3) more than 5000 but not more than 8000	9	B
(4) more than 8000... ..	11	A

(2) All the members of a Panchayat shall be elected.

(3) The Director shall divide each Panchayat area into wards the number of which shall be equal to the number of members determined in respect of such Panchayat under sub-section (1).

(4) In every Panchayat, seats shall be reserved for the Scheduled Castes and the Scheduled Tribes and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats in the Panchayat as the population of the Scheduled Castes and the Scheduled Tribes in the Panchayat area bears to the total population of the Panchayat area:

Provided that Government may by notification reserve any seat reserved for Scheduled Castes and Scheduled Tribes for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes:

"Provided further that the Government may, by Order published in the Official Gazette, direct any Panchayat to coopt, in such manner as may be prescribed a person belonging to the Scheduled Caste, where there is a reasonable population of the Scheduled Caste by the reservation may not be made."

(5) The Government may, by notification reserve such number of seats in any Panchayat as may be considered necessary, taking into account the population of the backward classes in the Panchayat area, for persons belonging to the backward classes.

(6) Not less than one third (including the number of seats reserved for women belonging to Scheduled Castes or Scheduled Tribes) of the total number of seats to be filled by direct election in every panchayat shall be reserved for women.

Provided that the seats reserved under sub-sections (4), (5) and (6) shall be allotted by rotation to different wards in the panchayat area:

Provided further that nothing contained in this section shall be deemed to prevent a woman or a person belonging to the Scheduled Castes and Scheduled Tribes or Backward Classes from contesting for elections to any non-reserved ward in such Panchayat.

(7) Notwithstanding anything contained in sub-section (1), where two-thirds of the total number of members are required to be elected or

have been elected, failure to elect the remaining members shall not affect the constitution of the Panchayat.

(8) The Director shall publish, in the prescribed manner, the names of members elected or deemed to have been duly elected to a Panchayat.

10. *Disqualification for membership.*— A person shall be disqualified for being chosen as, and for being, a member of the Panchayat if,—

(a) he is so disqualified by or under any law for the time being in force for the purposes of the elections to the State Legislature.

Provided that no person shall be disqualified on the ground that he is less than twenty five years, if he has attained the age of twenty-one years;

(b) he has been dismissed from service of the Government or any local authority;

(c) he holds any office of profit under any local or other authorities subject to the control of the Central Government, the State Government or the Government of any other States, other than such offices as are declared by rules made under this Act not to disqualify the holder;

(d) he is in arrears for such period as may be prescribed of any tax, fee or other sum due to the Panchayat;

(e) he has been convicted by a court of any offence involving moral turpitude and five years have not been elapsed since his release; or

(f) he has directly or indirectly any share or monetary interest in any work done by or to the Panchayat or any contract or employment with, under or by or on behalf of, the Panchayat;

(g) he is employed in any Corporation, whether Statutory or otherwise, owned or controlled or financed in part or fully, by the Central Government or the Government or any State Government.

12. *Vacation of seat by members.*— (1) If a member of a Panchayat.—

(a) is or becomes subject to any of the disqualifications mentioned in section 10; or

(b) absents himself for more than three consecutive ordinary meetings of the Panchayat without the leave of the Panchayat or is absent from the State of Goa for more than four consecutive months;

Provided that when an application is made by a member for leave to the Panchayat for leave to absent himself and the Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of the receipt of the application by the Panchayat, the leave applied for shall be deemed to have been granted by the Panchayat.

(c) absent himself with leave of the Panchayat for a period not exceeding six months but fails to attend the next meeting of Panchayat after the expiry of such leave.

(d) votes or takes part in discussion in contravention of the provisions of sub-section (4) of section 55, his seat shall be deemed to be or to have become, as the case may be, vacant.

(2) If any question arises as to whether a person is or has become subject to disqualification under clause (b) or clause (c) of sub-section (1), the Block Development Officer may either suo moto or on a report made to him and after giving an opportunity to the person concerned of being heard, decide the question whose decision shall be final.

13. *List of voters.*— (1) Subject to the provisions of sub-section (2), the electoral roll of the Legislative Assembly of the State for the time being in force for such part of the ward of a Panchayat shall be deemed to be the list of voters for such Panchayat wards:

(2) No amendment, transposition or deletion of any entry in the electoral roll of the Legislative Assembly of the State made after, the last date of making nominations for an election in any Panchayat ward and before the completion of such election shall form part of the list of voters for such election for the purpose of this section.

15. *Election of members.*— The election of members from wards of a Panchayat shall be held in accordance with such manner as may be prescribed on such date or dates as the Government may, by notification direct:

Provided that a casual vacancy in a ward shall be filled up within a period of six months from the date of occurrence of the vacancy.

16. *Election Petition.*— (1) No election to fill a seat or seats in a Panchayat shall be called in question except by an election petition presented on one or more of the grounds specified in sub-section (1) of section 20 and section 21 to such authority as may be prescribed, by any candidate at such election or by any voter qualified to vote at such election together with a deposit of five hundred rupees as security for costs, within thirty days from, but not earlier than, the date of declaration of the result of the election of the returned candidate at the election, and if the dates of declaration of the results of their election are different, the last of these dates.

(2) A petitioner shall join as respondents to his petition,—

(a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.

(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

Explanation.— The expression "returned candidate" means candidate who has been declared as duly elected.

17. *Contents of petition and relief that may be claimed.*— (1) An election petition,—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(3) A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.

18. *Trial of election petition.*— (1) The prescribed authority shall dismiss an election petition which does not comply with any of the provisions of sections 16 and 17.

Explanation.— An order dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of sub-section (1) of section 19.

(2) Where more election petitions than one are presented to the prescribed authority in respect of the same election the prescribed authority may, try them separately or in one or more groups.

(3) Any candidate not already a respondent shall, upon application made by him to the prescribed authority within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the prescribed authority, be entitled to be joined as a respondent.

Explanation.— For the purpose of this section, a trial of petition shall be deemed to commence on the date fixed for the respondents to appear before the prescribed authority and answer the claim or claims made in the petition.

(4) The prescribed authority, may upon such terms as to costs and otherwise as he may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition, which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial be continued from day to day until its conclusion, unless the prescribed authority finds the adjournment of trial beyond the following day to be necessary for reasons to be recorded.

(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the prescribed authority for trial.

(7) Subject to the provisions of this Act, every election petition shall be tried by the prescribed authority, as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), to the trial of suits:

Provided that the prescribed authority shall have discretion to refuse for reasons to be recorded in writing to examine any witness or witnesses if he is of the opinion that their evidence is not material for the decision of petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(8) The provisions of the Indian Evidence Act, 1872 (Central Act 1 of 1872), shall subject to the provisions of this Act be deemed to apply in all respects to the trial of an election petition.

(9) Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of the election petition on the ground that it is not duly stamped or registered.

19. *Decision of the prescribed authority.*— (1) At the conclusion of the trial of an election petition, the prescribed authority shall make an order,—

(a) dismissing the election petition; or

(b) declaring the election of all or any of the returned candidates to be void; or

(c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidates to have been duly elected.

(2) At the time of making an order under sub-section (1), the prescribed authority shall also make an order,—

(a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording,—

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election and the nature of that corrupt practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and

(b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid:

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless,—

(i) he has been given notice to appear before the prescribed authority and to show-cause why he should not be so named; and

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross examining any witness who has already been examined by the prescribed authority and has given evidence against him, of calling evidence in his defence and of being heard.

20. *Grounds for declaring election to be void.*— (1) Subject to the provisions of sub-section (2), if the prescribed authority is of opinion,—

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen as member under this Act; or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent; or

(c) that any nomination paper has been improperly rejected; or

(d) that the result of the election, in so far as it concerned a returned candidate, has been materially affected,—

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent; or

(iii) by the improper reception, refusal or rejection of any vote or reception of any vote which is void, or

(iv) by any non-compliance with the provisions of this Act or of any rules or order made thereunder;

the prescribed authority shall declare the election of the returned candidate to be void.

(2) If in the opinion of the prescribed authority, any agent of a returned candidate has been found guilty of any corrupt practice, but the prescribed authority is satisfied,—

(a) that no such corrupt practice was committed at the election by the candidate and every such corrupt practice was committed contrary to the orders and without the consent of the candidate;

(b) that the candidate took all reasonable measures for preventing the commission of corrupt practices at the election; and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agent;

then the prescribed authority may decide that the election of the returned candidate is not void.

21. *Grounds on which a candidate other than the returned candidate may be declared to have been elected.*— (1) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate claims a declaration that he himself or any other candidate has been duly elected and the prescribed authority is of opinion,—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes;

the prescribed authority shall after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

(2) The decision of the prescribed authority shall be final.

22. *Procedure in case of equality of votes.*— If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of these candidates to be declared elected, then the prescribed authority shall decide between them by lot and proceed as if the one on whom the lot falls has received an additional vote.

23. *Corrupt practices.*— The following shall be deemed to be corrupt practices for the purposes of this Act, namely:—

(i) bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act 43 of 1951), for the time being in force;

(ii) undue influence as defined in clause (2) of section 123 of the Representation of the People Act, 1951 (Central Act 43 of 1951), for the time being in force;

(iii) the appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of or appeal to national symbols, such as the National Flag or the National Emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate;

(iv) the promotion of or attempt to promote, feelings of enmity or hatred between different classes of the citizens on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the election of that candidate or for prejudicially affecting the election of any candidate;

(v) the publication by a candidate or his agent or by any other person, with the consent of candidate or his agent of any statement of

fact which is false, and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidature, being a statement reasonably calculated to prejudice the prospects of the candidate's election;

(vi) the hiring or procuring, whether on payment or otherwise, any vehicle, or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent, or the use of such vehicle or vessel for the free conveyance of any voter (other than the candidate himself, the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act;

Provided that the use of any public transport vehicle or vessel or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.— In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise, whether used for the drawing of other vehicles or otherwise.

(vii) the holding of any meeting at which intoxicating liquors are served;

(viii) the issuing of any circular, placard or poster having reference to the election which does not bear the name and address of the printer and publisher thereof;

(ix) any other practice which the Government may by rule specify to be a corrupt practice.

24. *Order as to corrupt practices.*— The corrupt practices referred to in section 23 shall entail disqualification for membership of any local authority for a period of five years counting from the date on which the finding of the prescribed authority as to such practices takes effect under this Act.

25. *Communication of orders.*— The prescribed authority shall after announcing the orders made under sections 20 and 21 send a copy thereof to the Government.

26. *Fresh election if a seat becomes vacant.*— If the seat of any member has become vacant or is deemed to have become vacant under section 12, a fresh election for the vacancy caused shall be held in accordance with the provisions of this Act.

27. *Prohibition of canvassing in or near polling station.*— (1) No person shall, on the date or dates on which a poll is taken in any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely:—

(a) canvassing for votes; or

(b) soliciting the vote of any voter; or

(c) persuading any voter not to vote for any particular candidate; or

(d) persuading any voter not to vote at the election; or

(e) exhibiting any notice or sign (other than an official notice relating to the election).

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to rupees five hundred.

(3) An offence punishable under this section shall be cognizable.

28. *Penalty for disorderly conduct in or near polling stations.*— (1) No person shall on the date or dates on which a poll is taken at any polling station—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-section (1) shall, on conviction, be punished with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reasons to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

29. *Penalty for misconduct at polling station.*— (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall on conviction, be punished with imprisonment for a term which may extend to three months, or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

30. *Maintenance of secrecy of voting.*— (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of vote at any election shall maintain and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate secrecy.

(2) Any person who contravenes the provision of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

31. *Officers etc. at elections not to act for candidate or influence voting.*— (1) No person who is a returning officer or a presiding or a polling officer at any election or any officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election, shall, in the conduct or management of the election do any act (other than the giving of a vote) for a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour,—

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(4) An offence punishable under sub-section (2) shall be cognizable.

32. *Breaches of official duty in connection with elections.*— (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) An offence under sub-section (1) shall be cognizable.

(3) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purpose of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

33. *Removal of ballot papers from polling stations to be an offence.*—

(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1) such officer may before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

34. *Other offences and penalties thereof.*— (1) A person shall be guilty of an offence if at any election, he,—

(a) fraudulently defaces, or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a returning officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall,—

(a) if he is a returning officer or presiding officer of a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

35. *Promotion of enmity between classes in connection with election.*—Any person who in connection with an election under this Act, promotes or attempts to promote on grounds of religion, race, caste community or language, feeling of enmity or hatred between different classes of the citizens of India shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine or with both.

36. *Prohibition of public meetings on the day preceding the election day and on the election day.*—(1) No person shall convene, hold or attend any public meeting, within any polling area within forty-eight hours before the commencement of the poll or on the date or dates on which poll is taken for an election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

37. *Powers of Collector to prohibit fairs etc., on election day.*—The Collector may, in order to ensure free and fair election, prohibit any fair (including cattle fairs) in a Panchayat area on the day of election to the Panchayat of such area.

38. *Disturbance of election meetings.*—(1) Any person who at a public meeting held in connection with an election under this Act, acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails to so declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

39. *Restrictions on the printing of pamphlets, posters, etc.*—(1) No person shall print or publish, or cause to be printed or published any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster,—

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known is delivered by him to the printer in duplicate; and

(b) unless within a reasonable time after the printing of the documents, one copy of the declaration is sent by the printer, together with one copy of the document to the District Magistrate.

(3) For the purposes of this section,—

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(b) election pamphlet or poster means any printed pamphlet, hand bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election but does not include any hand bill, placard or poster merely announcing the date, time place and other particulars of an election meeting or routine instructions to election agent or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

40. *Penalty for illegal hiring or procuring of conveyance at election.*—If any person is guilty of any such corrupt practice as is specified in clause (vi) of section 23 at or in connection with an election, be shall on conviction, be punished with fine which may extend to five hundred rupees.

41. *Prosecution in certain offences.*—No court shall take cognizance of an offence punishable under clause (a) of sub-section (2) of section 34, unless there is a complaint made by an order of or under authority from the Director.

CHAPTER V

Constitution of Zilla Panchayats

116. *Establishment of Zilla Panchayat and its incorporation.*—(1) There shall be constituted for each district a Zilla Panchayat having jurisdiction over the entire district excluding such portions of the district as are included in a municipal council or a notified area constituted under any law for the time being in force.

(2) Every Zilla Panchayat shall, by the name specified by the Government in this behalf, be a body corporate having perpetual succession and a common seal and subject to the provisions of this Act have powers to acquire, hold or dispose off the properties both movable and immovable and shall by the said name sue or be sued.

117. *Constitution of Zilla Panchayat.*—Every Zilla Panchayat shall consist of,—

(i) twenty elected members;

(ii) the members of the House of the People and the members of the Council of States who are registered as the electors within the district;

(iii) Such number of members of the State Legislative Assembly as may be prescribed;

Provided that no such members shall be a Minister or the Speaker or the Deputy Speaker of the Legislative Assembly or the Leader of Opposition;

Provided further that the total number of such members shall not exceed the number of talukas in the Zilla Panchayat and such members shall be elected from amongst themselves;

(iv) Chairperson of Panchayats in each taluka of the district elected from amongst themselves in the ratio of one such chairperson for a taluka having upto 15 Panchayats and two such chairpersons for a taluka having more than 15 panchayats who shall be a member of Zilla Panchayat so long as he continues to be the chairperson of the Panchayat.

125. *Method of voting and procedure for election.*— (1) Every elector shall have one vote and no elector shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Zilla Panchayat shall be held by ballot in accordance with such rules as may be prescribed.

(3) The provisions of sections 27 to 41 shall apply in respect of elections to Zilla Panchayat as they apply to elections to Panchayats.

126. *Prohibition of simultaneous membership.*— (1) If a person is elected by more than one Zilla Panchayat constituency, he shall by notice in writing signed by him and delivered to the Director or any other officer authorised by the Government, within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1), the Director or the authorised officer shall determine by lot and notify the constituency which such person shall serve.

(3) Such person shall be deemed to have been elected for only the constituency so chosen or notified as the case may be, and the vacancy or vacancies thereby arising in respect of the other constituency or constituencies shall be filled by election.

128. *Publication of names of members.*— The names of members elected to any Zilla Panchayat shall be reported to the Government which shall notify the same in the Official Gazette.

129. *Term of office of member.*— (1) Except as is otherwise provided in this Act, members of a Zilla Panchayat elected at a general election shall hold office for a term of five years.

(2) The term of office of members elected at a general election shall commence on the date appointed for the first meeting of the Zilla Panchayat.

(3) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under section 128.

130. *Resignation of members.*— A member of a Zilla Panchayat may resign his membership in writing under his hand addressed to the Adhyaksha of Zilla Panchayat and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Adhyaksha.

132. *Casual vacancy.*— A casual vacancy of a member of Zilla Panchayat shall be filled up, as soon as may be, by the election of a person thereto who shall hold office so long only as the member in whose place he is elected could have held office if the vacancy had not occurred.

133. *Election of Adhyaksha and Upadhyaksha and term of office.*—

(1) The elected members of the Zilla Panchayat referred to in clause (i) of section 117 shall as soon as may be, choose two members from amongst them to be respectively Adhyaksha and Upadhyaksha thereof and so often as there is a casual vacancy in the office of the Adhyaksha or Upadhyaksha, they shall choose another member from amongst them to be Adhyaksha or Upadhyaksha, within a period of thirty days of occurrence of such vacancy as the case may be.

(2) Save as otherwise provided in this Act, the Adhyaksha or Upadhyaksha shall hold office for the term of office of the members of the Zilla Panchayat.

(3) The election of the Adhyaksha or the Upadhyaksha of a Zilla Panchayat and filling up of vacancies in the said offices and the determination of disputes relating to such election shall be in accordance with such rules as may be prescribed.

(4) There shall be reserved by the Government one office of Adhyaksha and one office of Upadhyaksha of the Zilla Panchayat to be filled by women:

Provided that the office reserved under this sub-section shall be allotted by rotation to different Zilla Panchayat.

135. *Resignation or removal of Adhyaksha or Upadhyaksha.*— (1) A Member holding office as Adhyaksha of Zilla Panchayat may resign his office at any time by writing under his hand addressed to the Director and the Upadhyaksha of Zilla Panchayat may resign his office at any time by writing under his hand addressed to the Adhyaksha and in the absence of Adhyaksha to the Director and the office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the Director or the Adhyaksha, as the case may be.

(2) Every Adhyaksha or Upadhyaksha of Zilla Panchayat shall be deemed to have vacated his office forthwith if he ceases to be a member of the Zilla Panchayat.

(3) Every Adhyaksha and every Upadhyaksha of Zilla Panchayat shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Zilla Panchayat at a meeting specially convened for this purpose:

Provided that no such resolution shall be moved within six months from the date of moving earlier resolution.

(4) Every Adhyaksha and Upadhyaksha of Zilla Panchayat shall, after an opportunity is afforded for hearing him, be removable from his office by the Government for misconduct in the discharge of his duties, or for being persistently remiss in the discharge of his duties and the Adhyaksha or Updhyaksha so removed who does not ceases to be a member under sub-section (5), shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office as member of such Zilla Panchayat.

(5) An Adhyaksha or Upadhyaksha removed from his office under sub-section (4), may also be removed by the Government from membership of the Zilla Panchayat.

136. *Meetings of Zilla Panchayat.*— (1) A Zilla Panchayat shall hold a meeting for the transaction of business at least once in two months (hereinafter in this section referred to as the ordinary meeting), and shall subject to the provisions of the following sub-sections, make regulations not inconsistent with this Act or with any rules made thereunder, with respect of the day, hour, notice, management and adjournment of its meetings and generally with respect to

the transaction of business thereto. Every meeting of the Zilla Panchayat shall ordinarily be held at the headquarters of the Zilla Panchayat.

(2) (a) The date of the first meeting of the Zilla Panchayat after the first constitution or reconstitution, shall be fixed by the Director, who shall preside at such meeting, and the date of such subsequent ordinary meeting shall be fixed at the previous meeting of the Zilla Panchayat, provided that the Adhyaksha of Zilla Panchayat, may for sufficient reasons, alter the date of the meeting to a subsequent date. The Adhyaksha may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called. If the Adhyaksha fails to call a special meeting, the Upadhyaksha or one-third of the total number of members of the Zilla Panchayat may call the special meeting for a day not more than fifteen days after the presentation of such request and require the Chief Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

(b) Ten clear days' notice of an ordinary meeting and seven clear days' notice of special meeting specifying the time at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and pasted up at the office of the Zilla Panchayat. Such notice shall include, in the case of a special meeting, any motion or proposition mentioned in the written request made for such meeting.

(c) One-third of the total number of members of the Zilla Panchayat shall form a quorum for transacting business at a meeting of the Zilla Panchayat. If, at the time appointed for the meeting, a quorum is not present, the person presiding shall, wait for thirty minutes and if within such period there is a quorum, proceed with the meeting; but if within such period there is no quorum, the person presiding shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meetings at which there is quorum, the business which would have been brought before the original meeting shall be transacted.

(d) Every meeting shall be open to the public unless the presiding authority considers that any inquiry or deliberation pending before the Zilla Panchayat should be held in camera and the said authority may at any time cause any person who interrupts the proceedings to be removed.

(e) Every meeting shall be presided over by the Adhyaksha or if he is absent, by the Upadhyaksha and if both are absent, or if the Adhyaksha is absent and there is no Upadhyaksha, the members present shall elect one from among themselves to preside.

(f) All questions shall, unless otherwise specially provided, be decided, by a majority of votes of the members present and voting. The presiding member, unless he refrains from voting, shall give vote before declaring the number of votes for and against a question and in case of equality of votes, he may give his casting vote.

(g) No member of Zilla Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of a Zilla Panchayat or any Committee, if the question is one in which apart from its general application to the public, he has any pecuniary interest.

(h) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Zilla Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

(i) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in the case of a special meeting, in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects in the list of business. The Adhyaksha may propose any urgent subject of a routine nature not included in the list of business if no member objects it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof except in accordance with clause (k). The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(j) Any ordinary meeting may, with the consent of a majority of the members present be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed at the meeting from which the adjournment took place.

(k) No resolution of the Zilla Panchayat shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than two-thirds of the total number of members at an ordinary or special meeting, and notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting and motion or proposition for the modification or cancellation of such resolution.

(3) The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall, after being read over by the Adhyaksha of the meeting, be signed by him. The action taken on the decisions of the Zilla Panchayat shall be reported at the next meeting of the Zilla Panchayat. The minutes book shall at all reasonable times be open to inspection by any member of the Zilla Panchayat. The minutes book shall always be kept in the office of the Zilla Panchayat and it shall be in the custody of the Chief Executive Officer.

(4) A copy of every resolution passed by a Zilla Panchayat at a meeting shall, within ten days from the date of the meeting, be forwarded to the Director.

(5) During any vacancy in a Zilla Panchayat or any Committee thereof, the continuing members may act as if no vacancy occurred.

137. *Interpellations and Resolutions.*— (1) A member of Zilla Panchayat may move resolutions and interpellate the Adhyaksha of Zilla Panchayat on matters connected with the administration of the Zilla Panchayat, subject to such regulations as may be made by the Zilla Panchayat.

(2) A Member of the Zilla Panchayat may also call the attention of the Adhyaksha to any neglect in the execution of the work of the Zilla Panchayat, to any waste of property belonging to the Zilla Panchayat, or to the wants of any locality within the district and may suggest any improvements which may appear desirable.

138. *Zilla Panchayat may require the presence of Government officers at meetings.*— If it shall appear to a Zilla Panchayat that the attendance of any officer of the Government having jurisdiction over an area of a division or circle or less than a division or circle and not working under the Zilla Panchayat, is desirable at a meeting of the Zilla Panchayat, the Chief Executive Officer shall by a letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall, unless prevented by sickness or other reasonable cause, attend the meeting.

Provided that the officer on receipt of such letter may, if he, for any of the causes aforesaid, is unable to be present thereat himself, instruct his deputy or other competent subordinate officer to represent him at the meeting.

139. *Validity of proceedings.*— (1) No disqualification or defect in the selection or appointment of any person acting as a member, or as the Adhyaksha of Zilla Panchayat or presiding authority of a special or general meeting or a Adhyaksha or members of Committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Zilla Panchayat or of any such Committee, as the case may be, in which such person has taken part, whenever the majority who were parties to such act or proceedings, were entitled to act.

(2) No resolution of a Zilla Panchayat or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member, provided that the proceedings of the Zilla Panchayat or Committee, were not prejudicially affected by such irregularity.

(3) Until the contrary is proved, every meeting of a Zilla Panchayat or of a Committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly conveyed and held and all the members of the meeting shall be deemed to have been duly qualified, and where the proceedings are the proceedings of a Committee, such Committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

(4) During any vacancy in the Zilla Panchayat or Committee, the continuing member or members may act as if no vacancy has occurred.

164. *Zilla Panchayat may acquire, hold and dispose of property, etc.*— The power of every Zilla Panchayat to acquire, hold and dispose of property both movable and immovable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act, which shall be subject to the rules made by the Government in this behalf:

Provided that no lease of immovable property for a term exceeding five years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Government.

165. *Vesting of property in Zilla Panchayat.*— (1) It shall be competent for the Government with the concurrence of the Zilla Panchayat from time to time, to direct that any property, vesting in the Government shall vest in the Zilla Panchayat:

Provided that no lease, sale or transfer of such immovable property by the Zilla Panchayat shall be valid without the previous sanction of the Government;

(2) Every work constructed by the Zilla Panchayat out of Zilla Panchayat Fund shall vest in such Zilla Panchayat:

Provided that the Government may, if it deems fit, declare by order that such road, buildings or other works vested in the Zilla Panchayat, shall stand transferred to, and vest in the Government.

166. *Zilla Panchayat Fund.*— There shall be for each Zilla Panchayat, a fund called Zilla Panchayat Fund and the following shall form part of or be paid into the Zilla Panchayat Fund, namely:—

(i) the amounts transferred to the Zilla Panchayat Fund by appropriation from and out of the Consolidated Fund of the State;

(ii) all grants, assignment, loans and contributions made by the Government;

(iii) all fees and penalties paid to or levied by or on behalf of the Zilla Panchayat under this Act and all fines under this Act;

(iv) all rents from lands or other properties of the Zilla Panchayat;

(v) all interests, profits and other moneys accruing by gifts, grants, assignments or transfers from private individuals or institutions;

(vi) all proceeds of land, securities and other properties sold by the Zilla Panchayat;

(vii) all sums received by or on behalf of the Zilla Panchayat by virtue of this Act;

Provided that sums received by way of endowments for any specific purpose shall not form part of or be paid into the Zilla Panchayat Fund.

167. *Custody and investment of Zilla Panchayat Fund.*— (1) The amounts at the credit of the Zilla Panchayat Fund shall be kept in the Government Treasury.

(2) It shall be lawful for the Zilla Panchayat to deposit with the sanction of the Government, in any Scheduled Bank or Co-operative Bank in the State, any surplus funds in its hands which may not be required for current charges and with like sanction, to invest such funds in securities of the Government of India or the State Government or in such other securities as the Government may, from time to time, approve in this behalf and to vary such investment or dispose of such securities with like sanction.

168. *Application of Zilla Panchayat Fund and property.*— (1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government may make, all property owned by or vested in the Zilla Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force shall be applied for the purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat:

Provided that no expenditure shall be incurred out of the Zilla Panchayat Fund unless provision therefor has been made in the budget of the Zilla Panchayat or funds are obtained by re-appropriation duly approved except in such cases as may be prescribed.

(2) The Zilla Panchayat Fund and all property held or vested in the Zilla Panchayat under this Act shall be applied, subject to the provisions of this Act, for the payment of,—

(a) Salaries and allowances to the Adhyaksha and the Upadhyaksha and travelling and daily allowances to the Adhyaksha and Upadhyaksha for tours outside the district and travelling and daily allowance to the members of the Zilla Panchayat or any committee thereof subject to such rules as may be made in this behalf by the Government;

(b) the salaries, allowances, pensions and gratuities of its officers and employees other than those whose salaries and allowances are paid from the Consolidated Fund of the State;

(c) any amounts falling due on any loans contracted by the Zilla Panchayat;

(d) for the purposes specified in this Act;

(e) all other purposes for which by or under this Act or the rules or regulations made thereunder or by or under any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat;

(f) with the previous sanction of the Government, for any other purpose for which the application of such property or fund is necessary in public interest:

Provided that any fund granted to the Zilla Panchayat by the Government or any person or local authority for any specific work or purpose, shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify, either generally or specially in this behalf.

169. *Rents and Fees.*— Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Zilla Panchayat may charge fee for any license or permission issued by it under this Act, and the rules made thereunder and levy rent and fee for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Zilla Panchayat Fund.

170. *Zilla Panchayat may raise loans and form a sinking Fund.*— A Zilla Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund for the repayment of such loans.

171. *Prohibition of expenditure not covered by the Budget.*— Except as hereinafter provided, no payment of any sum shall be made out of the Zilla Panchayat fund, unless the expenditure of the same is covered by a budget grant except in the following cases, namely:—

(a) refund of moneys which the Zilla Panchayat is authorised to make under this Act or the rules or regulations made thereunder;

(b) repayment of moneys belonging to the contractors or other persons held in deposit and of moneys credited to the Zilla Panchayat fund by mistake;

(c) sums which the Zilla Panchayat is required or empowered by this Act to pay by way of compensation;

(d) every sum payable,—

(i) under this Act by order of the Director or the Government;

(ii) under a decree or order of a civil court; and

(iii) under a compromise of any suit or other legal proceedings or claim.

172. *Government may place roads and other property under Zilla Panchayat.*— (1) It shall be lawful for the Government from time to time to direct, by notification, that any road, bridge, channel, building or other property, movable or immovable, which is vested in the Government and which is situated in the district, shall with the consent of the Zilla Panchayat and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the Zilla Panchayat for the purposes of this Act and thereupon such road, bridge, channel, buildings or other property shall be under the control and administration of the Zilla Panchayat, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

(2) It shall be competent for the Government by notification, to resume any property placed under the control of a Zilla Panchayat under sub-section (1), on such terms as the Government may determine.

173. *Power of inspection and supervision.*— The Secretary to the Government in charge of Panchayat Raj Department and the Director or any other Officer authorised by him in this behalf in case of the Zilla Panchayat, and the Block Development Officer in case of the Panchayat may,—

(a) inspect the offices or premises of or works taken up by any Zilla Panchayat, or Panchayat and for this purpose examine or cause to be examined the books of accounts, registers and other documents concerned and the Zilla Panchayat, or Panchayat concerned shall comply with the instructions issued after such inspections;

(b) call for any return, statement, account or report which he may think fit to require the Zilla Panchayat or Panchayat concerned to furnish.

174. *Technical supervision and inspections.*— (1) The Heads of Departments concerned and the Officers in charge of the Departments at the Divisional level, may inspect works or developmental schemes relating to their Department under the control of any Zilla Panchayat or Panchayat and also to inspect relevant documents pertaining to such work or development scheme in the manner specified by the Government.

(2) The scope of such inspection may cover technical aspects including feasibility, economic viability, the technical quality of the work and the expenditure being incurred.

(3) A report of inspections by such Officers after such inspection shall be forwarded to the Director, or the Secretary, as the case may be, for appropriate action.

175. *Director and Block Development Officer's powers in respect of Panchayat and Zilla Panchayat.*— (1) The Block Development Officer may in respect of a Panchayat exercise the following powers:—

(a) call for proceedings of any Panchayat or any extract of any book or document in the possession or under the control of the Panchayat or any return or statement of account or report;

(b) require a Panchayat to take into consideration any objection which appears to him to exist towards the doing of anything which is about to be done or is being done by Panchayat or any information which appears to him to necessitate the doing of anything by such Panchayat within such period as he may fix;

(c) order a duty to be performed within a specified period, if a Panchayat has made default in the performance of any duty and if such duty is not performed within the specified period, to appoint a person to perform such duty and direct that the expenses thereof shall be paid by the defaulting Panchayat within such period as he may fix;

(d) direct a Panchayat to levy any tax if it has failed to do so in accordance with the provisions of this Act;

(e) call for meetings of the Panchayat, or any of its Committees if no meeting of the Panchayat or its Committees has been held as per the provisions of this Act or rules.

(2) The Panchayat may appeal to the Director against any order under clause (c) of sub-section (1), within thirty days from the date of the order.

(3) The Director may, in respect of Zilla Panchayat, exercise the following powers:—

(a) call for proceedings of any Zilla Panchayat or any extract of any book or document in the possession or under the control of the Zilla Panchayat or any return or statement of account or report;

(b) require a Zilla Panchayat to take into consideration any objection which appears to him to exist towards the doing of anything which is about to be done or is being done by such Zilla Panchayat or any information which appears to him to necessitate the doing of anything by such Zilla Panchayat within such period as he may fix;

(c) order a duty to be performed within a specified period if a Zilla Panchayat has made default in the performance of any duty and if such duty is not performed within the specified period, to appoint a person to perform such duty and direct that the expenses thereof shall be paid by the defaulting Zilla Panchayat within such period as he may fix;

(d) call for meetings of the Zilla Panchayat or any of its Committees if no meeting of the Zilla Panchayat or its Committees has been held as per the provisions of this Act or rules.

(4) A Zilla Panchayat may appeal to the Government against any order under clause (c) of sub-section (3), within thirty days from the date of the order.

176. *Power of Government, Director and Chief Executive Officer to provide for performance of duties in default of Panchayat or Zilla Panchayat.*— When the Government in case of a Zilla Panchayat, or the Director in case of a Panchayat, is informed on complaint made or otherwise, that any Zilla Panchayat or Panchayat has made default in performing any duty imposed upon it, by or under this Act, or by or under any law for the time being in force and if satisfied, after due enquiry that any Zilla Panchayat or Panchayat has failed in the performance of such duty, it or he may fix a period for the performance of that duty:

Provided that no such period shall be fixed unless the Zilla Panchayat, or Panchayat concerned, has been given an opportunity to show cause why such an order shall not be made.

177. *Inquiry into affairs of Panchayat, or Zilla Panchayat by the Government.*— (1) The Government may, at any time for reasons to be recorded, cause an inquiry to be made by any of its officers in regard to any Panchayat, or Zilla Panchayat on matters concerning it, or any matters with respect to which the sanction, approval, consent or orders of the Government are required under this Act.

(2) The Officer holding such inquiry shall have the powers of the Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), to take evidence and to compel attendance of witnesses and production of documents for the purpose of the inquiry.

(3) The Government may make orders as to the costs of inquiries made under sub-section (1) and as to the parties by whom and the funds out of which they shall be paid and such order may, on the application of the Director or of any person named therein, be executed as if it were a decree of a Civil Court.

178. *Power of suspending execution of unlawful orders or resolution.*— (1) If in the opinion of the Director, the execution of any order or resolution of a Panchayat or Zilla Panchayat or any order of any authority or officer of the Panchayat or the Zilla Panchayat or the doing of anything which is about to be done, or is being done, by or on behalf of a Panchayat or a Zilla Panchayat is unjust, unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of peace, he may by order suspend the execution or prohibit the doing thereof.

(2) When the Director makes an order under sub-section (1), he shall forthwith forward to the Government and the Panchayat or Zilla Panchayat affected thereby a copy of the order with a statement of the reasons for making it, and the Government may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit;

Provided that no order of the Director passed under sub-section (1) shall be confirmed, revised or modified by the Government without giving the Panchayat or the Zilla Panchayat concerned a reasonable opportunity of showing cause against the proposed order.

179. *Purchase of stores and equipments.*— (1) The Government may by general or special order provide for all or any of the following matters, namely:—

(a) the manner in which purchase of stores, equipments, machineries and other articles required by a Zilla Panchayat, or Panchayat shall be made by them;

(b) the manner in which tender for works, contracts and supplies shall be invited and examined and accepted;

(c) the manner in which works and development schemes may be executed and inspected and payment may be made in respect of such works and Scheme; and

(d) constitution of Committee for the purpose of this section.

(2) Save as otherwise expressly provided in sub-section (1), in respect of all other matters relating to drawal of funds, form of bills, incurring of expenditure, maintenance of accounts, rendering of accounts and such other matters, the rules of implementation as applicable to the Departments of the Government shall mutatis mutandis apply.

180. *Power to appoint Administrator in certain cases.*— (1) Whenever:—

(a) any general election to a Zilla Panchayat or Panchayat under this Act or any proceedings consequent thereon has been stayed by an order of a competent Court or authority; or

(b) all the members or more than one half of the members of Zilla Panchayat have resigned; the Government shall, by notification in the Official Gazette, appoint an Administrator for such period as may be specified in the notification and may, by like notification, curtail or extend the period of such appointment, as however the total period of such appointment shall not exceed six months.

(2) Notwithstanding anything contained in this Act, on the appointment of an Administrator under sub-section (1), and during the period of such appointment, the Zilla Panchayat and the Committees thereof and the Adhyaksha or Upadhyaksha of such Panchayat, the Sarpanch or the Deputy Sarpanch or members charged with carrying out the provisions of this Act, or of any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator.

181. *Director's power to specify the role of Panchayats.*— (1) The Director may, by general or special order, specify from time to time, the role of Panchayat and Zilla Panchayat in respect of the programmes, Schemes and activities related to the functions specified in Schedule I and II, in order to ensure properly coordinated and effective implementation of such programmes, schemes and activities.

(2) When the Director makes an order under sub-section (1), he shall forthwith forward to the Government and the Panchayat or Zilla Panchayat affected thereby, a copy of the order with a statement of the reasons for making it, and the Government may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit:

Provided that no order of the Director passed under sub-section (1) shall be confirmed, revised or modified by the Government without giving the Panchayat or the Zilla Panchayat concerned a reasonable opportunity of showing cause against the proposed order.

182. *Presentation of accounts and budget of Panchayat.*— (1) The Secretary shall prepare and lay before the Panchayat at a meeting, which shall be held between the first day of February and the tenth day of

March, a complete account of the actual or expected receipts and expenditure for the financial year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure, of the Panchayat for the financial year to commence on the first day of April next following.

(2) The Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Panchayat shall be sent to the Block Development Officer before such date as may be fixed by the Government.

(3) In such budget estimate, the Panchayat shall among other things,—

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the Panchayat by this Act, or any other law;

(b) allow for a balance at the end of the year of not less than such sum or percentage of income as may from time to time be fixed by the Government either generally for all Panchayats or specially for any Panchayat;

(c) provide for the payment, as they fall due, of all instalments of principal and interest for which the Panchayat may be liable in respect of loans contracted by it.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Block Development Officer may within two months from the date of receipt of the budget, modify the same to secure compliance with this Act, the rules or the orders:

Provided that the Block Development Officer shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Panchayat for the following year and the opening balance.

(5) If the Panchayat fails to pass the budget estimate on or before the date mentioned in sub-section (1), the Secretary shall forward the budget estimate to the Deputy Director and it shall approve it with or without modification. The Budget as approved by the Deputy Director shall be certified by the Block Development Officer and thereupon shall be deemed to have been duly approved by the Panchayat.

183. *Revision of budget.*— If, in the course of the financial year, the Panchayat finds it necessary to modify the provision made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications:

Provided that no diversion of grants transferred by the Government out of the Consolidated Fund of the State can be made for a purpose or Programme or Scheme not covered under such grants:

Provided further that, without the approval of the Block Development Officer,—

(a) no reduction of over ten per cent shall be made in the grants approved for any developmental functions of the Panchayat; and

(b) the closing balance shall not be reduced below the sum fixed under clause (b) of sub-section (3) of section 182.

184. *Maintenance of accounts and restriction of expenditure.*— (1) Accounts of the income and expenditure of a Panchayat shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) A Panchayat shall, within a period not exceeding three months after the close of the financial year, pass the accounts of that year.

185. *Transmission of accounts.*— The Panchayat shall as soon as the annual accounts have been finally passed by it, transmit a copy thereof to the Block Development Officer in the form prescribed and shall furnish such details and vouchers relating to the same as the Block Development Officer may, from time to time, direct.

186. *Power to write off irrecoverable amounts.*— Subject to such restriction as may be prescribed, a Panchayat may write off any tax, fee, rate or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith if, in its opinion, such tax, fee, rate or other amount or sum is irrecoverable.

187. *Audit of accounts.*— (1) The accounts of every Panchayat shall be audited each year by such officer as may be authorised by the Director of Accounts of the Government (hereinafter referred to as the 'auditor')

(2) The auditor shall, for the purpose of audit, have access to all the accounts and other records of the Panchayat.

(3) The auditor may,—

(a) require in writing the production before him of such voucher, statements, returns, correspondence, notes or other documents which he may consider necessary for the proper conduct of his audit;

(b) require in writing any person accountable for, or having the custody or control of, any such vouchers, statements, returns, correspondence, notes or documents or any person having directly or indirectly by himself or his partner, any share or interest in any contract with or under the Panchayat, to appear in person before him;

(c) require any person so appearing before him to make and sign a declaration with respect to such vouchers, statements, returns, correspondence, notes or documents or to answer any statements;

(d) in the event of an explanation being required from the Sarpanch or other member of the Panchayat, in writing invites such person to meet him and shall in writing specify the point on which explanation is required.

(4) Any person who wilfully neglected or refuses to comply with any requisition lawfully made under sub-section (3), shall on conviction, be punished with fine which may extend to one hundred rupees;

Provided that no proceedings under this sub-section shall be instituted without the sanction of the Block Development Officer.

(5) The auditor shall, within one month after the completion of audit, forward a copy of the audit report to the Panchayat and to the Block Development Officer.

(6) On receipt of the audit report, the Panchayat shall either remedy any defects or irregularities which have been pointed out in the report and send to the Executive Officer within three months on intimation of his having done so, or shall within the same period furnish to the Block Development Officer any further explanation in regard to such defects or irregularities.

(7) On receipt of such intimation or explanation in respect of all or any of the matters discussed in the audit report, the Block Development Officer may, in consultation with the auditor,—

(a) accept the intimation or explanation given by the Panchayat and order the withdrawal of the objection; or

(b) direct that the matter be reinvestigated at the next audit or at any earlier date; or

(c) direct that the defects or irregularities pointed out in the audit report or any of them shall be removed or remedied by the Panchayat.

(8) The Block Development Officer may, after making such enquiry as he may consider necessary, disallow any item of expenditure which appears to him to be contrary to law and surcharge the amount thereof on the person making or authorising the illegal payment and after taking the explanations of the person concerned, the Block Development Officer may direct by an order in writing that such person shall pay to the Panchayat the amount surcharged alongwith interest at fifteen per cent per annum on the amount due, from the date from which it became due and if the amount is not paid within two months from the date of such order, the Block Development Officer shall take steps to recover it as an arrears of land revenue and credit it to the Panchayat Fund.

(9) Any person aggrieved by the order of the Block Development Officer under sub-section (8), may, within thirty days of the receipt by him of a copy of the decision, appeal to the Director who shall pass such orders as he may deem fit.

(10) The Director of Accounts shall submit a summary of observations made in the audit report and rectifications made by the Panchayats to the Government which shall be laid on the table of the House.

188. *Presentation of accounts and budget of Zilla Panchayat.*— (1) The Finance, Audit and Planning Committee shall cause to be prepared and laid before the Zilla Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete account of the actual and expected receipts and expenditure for the financial year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure of the Zilla Panchayat for the financial year to commence on the first day of April next following.

(2) The Zilla Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Zilla Panchayat shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the Zilla Panchayat shall among other things,—

(a) make adequate and suitable provision for such services as may be required for the fulfillment of the several duties imposed on the Zilla Panchayat by this Act or any other law;

(b) provide for the payment as they fall due, of all instalments of principal and interest for which the Zilla Panchayat may be liable in respect of loans contracted by it;

(c) allow for a balance at the end of the said year of not less than such sum or percentage of income as may from time to time be fixed by the Government either generally for all Zilla Panchayats or specially for any Zilla Panchayat.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Government may, within two months from the date of receipt of the budget, modify the same to secure compliance with this Act, the rules or the orders:

Provided that the Government shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Zilla Panchayat for the following year and the opening balance.

(5) If the Zilla Panchayat fails to approve the budget estimate on or before the date mentioned in sub-section (1), the Chief Executive Officer shall forward the budget estimate to the Government and the Government shall approve it with or without modification. The budget as approved by the Government shall be certified by the Government and thereupon shall be deemed to have been duly approved by the Zilla Panchayat.

189. *Revision of budget.*— If, in the course of the financial year, the Zilla Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended of the different services it undertakes, it may make such modification:

Provided that no diversion of grants transferred by the Government out of the consolidated funds of the State may be made for a purpose, programme or Scheme not covered under such grants:

Provided also that, without the approval of the Government,—

(a) no reduction of over ten per cent is made in the grants approved for any developments, functions of the Zilla Panchayat;

(b) the closing balance shall not be reduced below the sum fixed under clause (c) of sub-section (3) of section 188.

190. *Supplementary budget.*— Supplementary budget may be prepared and submitted whenever necessary. The Zilla Panchayat may at any time during the year for which a budget has been sanctioned by the Government, cause a supplementary budget to be prepared and submitted to the Government. Every such supplementary budget shall be considered and approved by the Zilla Panchayat and submitted to the Government for approval.

197. *Procedure for recovery of dues of Zilla Panchayat.*— (1) When any sum payable on demand,—

(a) which by or under the provisions of this Act, is declared to be recoverable in the manner provided by this Chapter; or

(b) which is claimable as a fee, tax or other amount due to the Zilla Panchayat under this Act, or under any rules or regulations made thereunder, shall have become payable and remains unpaid for fifteen days after the same is due, the Chief Executive Officer, or an officer duly authorised by him in writing in this behalf (hereinafter referred to as the authorised officer, may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.

(2) If such person does not, within fifteen days, from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Chief Executive Officer as to why the same should not be paid, the Chief Executive Officer or the Executive Officer may recover such sum, with all costs, by distraint and sale of the movable property of the defaulter.

(3) In order to effect the distraint and sale of property under sub-section (2), the Chief Executive Officer or the authorised officer concerned, shall issue a warrant in the prescribed form and a warrant fee of one rupee shall be leviable for each such warrant.

(4) The Chief Executive Officer or the authorised officer concerned shall make an inventory of the property distrained, a copy of which shall on demand be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

(5) The Chief Executive Officer or the authorised officer concerned shall give or cause to be given to every person making payment of the amount due, a receipt thereof signed by him. Such receipt shall specify,—

(a) the date of the payment thereof;

- (b) the name of the person by whom it is paid;
- (c) the amount due in respect of which the payment has been made;
- (d) the period for which the payment has been made; and
- (e) the amount in respect of which it is granted.

(6) Any sum due to a Zilla Panchayat under this Act, shall without prejudice to any other mode of collection, be recoverable as an arrear of land revenue.

198. *Conditions of distraint and sale.*— (1) Whenever, under section 197 any property is distrained, seized or sold in consequence of the non-payment of any amount due, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of section 62 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(2) All such property as is by the Code of Civil Procedure, 1908 (Central Act 5 of 1908), exempt from attachment or sale in execution of the decree shall be exempt from distraint or sale under this section.

(3) The distress shall not be excessive. The value of the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, rent or the other amount due, and the distraint fee and the probable expenses incidental to the detention and sale of the said property.

(4) When the property seized is subject to speedy and/or natural decay, or if in the opinion of the person seizing the property, the expenses of keeping it in custody together with amount due, exceeds the value of the property, the said person shall immediately after seizure of such property, give notice to the person from whose possession it was seized, to the effect that it will be sold at once and shall sell it accordingly unless the amount due is paid forthwith.

(5) Any surplus amount that may remain after deducting the amount due and of the said expenses, including the expenses of the sale, shall be paid to the owner of the property.

(6) If any claim be set up by a third person to movable property distrained under section 197, the Chief Executive Officer shall after a summary enquiry held, after giving reasonable notice to the claimant admit or reject the claim. If the claim is admitted wholly or partly, the property shall be disposed of/dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall hold good for all purposes, and the proceeds shall be disposed as hereinbefore directed:

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained from seeking relief in a Civil Court having jurisdiction.

199. *Finance Commission.*— (1) The Government shall as soon as may be, within one year from the date of commencement of this Act and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Zilla Panchayats, Panchayats and to make recommendation to the Government as to,—

- (a) the principles which should govern,—
 - (i) the distribution between the State and the Zilla Panchayats, and Panchayats and the net proceeds of the tax, duties, tolls and fees leviable by the Government which may be divided between them and allocation between the Zilla Panchayats and Panchayats of their respective shares of such proceeds;
 - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Zilla Panchayats;
 - (iii) the grants-in-aid to the Zilla Panchayat and Panchayat from the consolidated fund of the State;

(b) the measures needed to improve the financial position of the Zilla Panchayats and Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Zilla Panchayats and Panchayats.

(2) The Finance Commission shall consist of a Chairman and two other members.

(3) The Chairman and members of Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed.

(4) The Finance Commission shall determine its procedure.

(5) The Chairman or a member of the Finance Commission may resign his office by writing under his hand and addressing to the Finance Secretary to the Government, but he shall continue in office until his resignation is accepted by the Government.

(6) The casual vacancy created by the resignation of the member or Chairman under sub-section (5) or for any other reason, may be filled by fresh appointment and a member or Chairman so appointed shall hold office for the remaining period for which the member or Chairman in whose place he was appointed would have held office.

(7) The Commission shall have the following powers in the performance of its functions, namely:—

- (a) to call for any record from any officer or authority;
- (b) to summon any person to give evidence or produce records;
- (c) such other power as may be prescribed.

(8) The Governor shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereof to be laid before the State Legislature.

CHAPTER XII

Miscellaneous

200. *Dissolution of Panchayats.*— (1) If, in the opinion of the Government, a Panchayat exceeds or abuses its powers or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, the Government may, after conducting an enquiry by an order published in the Official Gazette dissolve such Panchayat.

(2) If in the opinion of the Government, a Zilla Panchayat exceeds or abuses its power or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, the Government may after conducting an inquiry under Section 177, by an order published in the Official Gazette, dissolve such Zilla Panchayat.

(3) Before publishing an order under sub-section (1) or sub-section (2), the Government, shall communicate to the Panchayat or Zilla Panchayat, as the case may be, the grounds on which he or it proposes to do so, fix a reasonable period for the Panchayat or Zilla Panchayat to show cause against the proposal and consider its explanation and objections, if any.

(4) When a Zilla Panchayat or Panchayat is dissolved, all the members of such Zilla Panchayat or Panchayat, as the case may be, shall, from the date specified in the order, vacate their office as such members.

(5) When a Panchayat or Zilla Panchayat is dissolved it shall be reconstituted in the manner provided in this Act before the end of six months from the date of such dissolution:

Provided that where the remainder of the period which the dissolved Zilla Panchayat or Panchayat would have continued is less than six months, it shall not be necessary to hold an election under this section for constituting a Zilla Panchayat or Panchayat for such period.

(6) A Zilla Panchayat or Panchayat constituted upon dissolution before the expiration of its duration, shall continue only for the remainder of the period of which the dissolved Zilla Panchayat or Panchayat would have continued had it not been so dissolved.

(7) If a Panchayat or Zilla Panchayat is dissolved,—

(a) all the powers and duties of the Zilla Panchayat or Panchayat shall, during the period of its dissolution be exercised and performed by such person or persons as the Government, may from time to time appoint in this behalf;

(b) all property vested in the Panchayat or Zilla Panchayat dissolved shall during the period of dissolution vest in the Government;

(c) the persons vacating office on dissolution shall be eligible for re-election.

202. *Power over decisions of committees.*— Every Zilla Panchayat or Panchayat concerned shall have power to revise or modify any decision taken by any of its Committees.

203. *Requisition of premises, vehicles, etc. for election purposes.*— (1) If it appears to an officer authorised by the State Election Commission for conduct of elections to the Zilla Panchayat or a Panchayat under this Act (hereinafter referred to as “the requisitioning authority”), that in connection with an election under this Act,—

(a) any premises is needed or is likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or

(b) any vehicle or vessel is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the requisitioning authority may by order in writing requisition such premises, or such vehicle or vessel as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning;

Provided that no vehicle or vessel which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section, until the completion of the poll in such elections.

(2) The requisitioning shall be effected by an order in writing addressed to the person deemed by the requisitioning authority, and such order shall be served in the manner prescribed on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisitioning shall not extend beyond the period for which such property is required for any of the purposes mentioned in this sub-section.

Explanation.—

(4) In this section,—

(a) “premises” means any land, building or part of building and includes a hut, shed or other structure or part thereof;

(b) “vehicle” means any vehicle used or capable of being used for the purposes of road transport, whether propelled by mechanical power or otherwise.

204. *Payment of compensation.*— (1) Whenever in pursuance of section 203, the requisitioning authority requisitions any premises, the Panchayat or Zilla Panchayat concerned shall pay to the persons interested compensation the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors that is to say,—

(i) the rent payable in respect of the premises, if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisitioning of premises the person interested is compelled to change his residence or place of business, the reasonable expense, if any, incidental to such change;

Provided that, when any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within thirty days of the order under sub-section (1), the matter shall be referred by the requisitioning authority to the Court having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Court may determine.

Explanation.— In this sub-section, the expression “person interested” means the person who was in the actual possession of the premises requisitioned under section 203 immediately before the requisitioning or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 203, the requisitioning authority requisitions any vehicle or vessel, the Panchayat, or Zilla Panchayat shall pay to the owner thereof compensation, the amount of which shall be determined by the requisitioning authority on the basis of fair rates prevailing in the locality for the hire of such vehicle or vessel:

Provided that where the owner of such vehicle or vessel being aggrieved by the amount of compensation so determined, makes an application within thirty days to the requisitioning authority, the matter shall be referred to the Court having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Court may determine:

Provided further that where immediately before the requisitioning, the vehicle or vessel was, by virtue of a hire purchase agreement, in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement, in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

205. *Power to obtain information.*— The requisitioning authority may, with a view to requisitioning any property under section 203 or determining the compensation payable under section 204, by order, require any person to furnish to such authority as may be specified in such order, information in his possession relating to such property as may be specified.

206. *Power of entry into and inspection of premises, etc.*— (1) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle or vessel therein for the purpose of determining whether and if so in what manner an order under section 205 should be made in relation to such premises, vehicles or with a view to securing compliance with any order made under that section.

(2) In this section, the expression “premises” and “vehicle” have the same meaning as in section 203.

207. *Eviction from requisitioned premises.*—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 203, may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

208. *Release of premises from requisitioning.*—(1) When any premises requisitioned under section 203 are to be released from requisitioning:—

(1) When any premises requisitioned under section 203 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time of the requisition or if there was no such person, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 203 is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from the requisition to be affixed on some conspicuous part of such premises and on the notice board of the office of the Mamlatdar of the Taluka.

(3) When a notice is affixed on the notice board as provided in sub-section (2), the premises specified in such notice shall cease to be subject to requisition on and from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or the Zilla Panchayat or Panchayat shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

209. *Penalty for contravention of any order regarding requisition.*—If any person contravenes any order made under section 203 or section 205 he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

211. *Penalty for acting as a member, Sarpanch or Deputy Sarpanch of Village Panchayat and Adhyaksha or Upadhyaksha of Zilla Panchayat when disqualified.*—(1) Whoever acts as a member of a Panchayat or Zilla Panchayat when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, shall, on conviction, be punished with fine of one hundred rupees for every day on which he sits or votes as a member.

(2) Whoever acts as the Sarpanch or Deputy Sarpanch of Panchayat or Adhyaksha or Upadhyaksha of Zilla Panchayat or exercises any of his functions when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, or to exercise such functions shall, on conviction, be punished with fine of two hundred rupees for every day on which he acts or functions as such.

(3) Any person who has been the Sarpanch or Deputy Sarpanch of a Panchayat, or Adhyaksha or Upadhyaksha of Zilla Panchayat fails to hand over any document or any moneys or other properties vested

in, or belonging to, the Panchayat or the Zilla Panchayat, as the case may be, which are in or have come into his possession or control, to his successor in office or other prescribed authority,—

(a) in every case, as soon as his term of office as Sarpanch or Deputy Sarpanch of Panchayat and Adhyaksha or Upadhyaksha of Zilla Panchayat expires; and

(b) in the case of a person who was the Deputy Sarpanch on demand by the Sarpanch of the Panchayat and Upadhyaksha of the Zilla Panchayat;

shall, on conviction, be punished with a fine which may extend to one hundred rupees.

212. *Penalty for interested member voting.*— Whosoever votes as member of a Panchayat or Zilla Panchayat in contravention of the provisions of sub-section (4) of section 55 or clause (g) of sub-section (2) of section 136, shall on conviction, be punished with fine which may extend to five hundred rupees.

213. *Penalty for acquisition by officer or servant of interest in contract.*— If any member, officer or servant of a Panchayat or Zilla Panchayat knowingly acquires for himself directly or indirectly, by himself or by a partner, employer or servant, any share or interest in any contract or employment with, by or on behalf of a Panchayat or Zilla Panchayat he shall, on conviction, be punished with fine which may extend to five hundred rupees:

Provided that no person shall, by reason of being a share-holder, in or member of, any company, be held to be interested in any contract entered into between such company and the Panchayat or Zilla Panchayat unless he is a Director of such company:

Provided further that nothing in this section shall apply to any person who, with the sanction of the Director enters into a contract with a Panchayat or Zilla Panchayat.

214. *Wrongful obstruction of certain officers.*— Any person who prevents the Chief Executive Officer or the Secretary or any person to whom such officer has lawfully delegated his powers from entering on or into any place, building or land, from exercising his lawful power of entering thereon or therein shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

215. *Prohibition against obstruction of Sarpanch or Deputy Sarpanch etc.*— Any person obstructing a Sarpanch, Deputy Sarpanch, Secretary or member of a Panchayat, Adhyaksha, Upadhyaksha, Chief Executive Officer or member of a Zilla Panchayat or any person employed by the Panchayat or Zilla Panchayat or any person with whom a contract has been entered into by or on behalf of a Panchayat or Zilla Panchayat in the discharge of his duty or of anything which he is empowered or required to do by virtue of, or in consequence of this Act or any rules, bye-law, regulation or order made thereunder, shall, on conviction, be punished with fine which may extend to five hundred rupees.

216. *Prohibition against removal or obliteration of notice.*— Any person, who without authority in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by or under the orders of, a Panchayat, or Zilla Panchayat or its executive authority, shall, on conviction, be punished with fine which may extend to one hundred rupees.

217. *Penalty for not furnishing information or giving false information.*— Any person who is required by this Act or by any notice or by other proceedings issued thereunder to furnish any information, fails to furnish any information or knowingly furnishes false information, shall, on conviction, be punished with fine which may extend to one hundred rupees.

207. *Eviction from requisitioned premises.*—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 203, may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

208. *Release of premises from requisitioning.*—(1) When any premises requisitioned under section 203 are to be released from requisitioning:—

(1) When any premises requisitioned under section 203 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time of the requisition or if there was no such person, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 203 is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from the requisition to be affixed on some conspicuous part of such premises and on the notice board of the office of the Mamlatdar of the Taluka.

(3) When a notice is affixed on the notice board as provided in sub-section (2), the premises specified in such notice shall cease to be subject to requisition on and from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or the Zilla Panchayat or Panchayat shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

209. *Penalty for contravention of any order regarding requisition.*—If any person contravenes any order made under section 203 or section 205 he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

211. *Penalty for acting as a member, Sarpanch or Deputy Sarpanch of Village Panchayat and Adhyaksha or Upadhyaksha of Zilla Panchayat when disqualified.*—(1) Whoever acts as a member of a Panchayat or Zilla Panchayat when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, shall, on conviction, be punished with fine of one hundred rupees for every day on which he sits or votes as a member.

(2) Whoever acts as the Sarpanch or Deputy Sarpanch of Panchayat or Adhyaksha or Upadhyaksha of Zilla Panchayat or exercises any of his functions when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, or to exercise such functions shall, on conviction, be punished with fine of two hundred rupees for every day on which he acts or functions as such.

(3) Any person who has been the Sarpanch or Deputy Sarpanch of a Panchayat, or Adhyaksha or Upadhyaksha of Zilla Panchayat fails to hand over any document or any moneys or other properties vested

in, or belonging to, the Panchayat or the Zilla Panchayat, as the case may be, which are in or have come into his possession or control, to his successor in office or other prescribed authority,—

(a) in every case, as soon as his term of office as Sarpanch or Deputy Sarpanch of Panchayat and Adhyaksha or Upadhyaksha of Zilla Panchayat expires; and

(b) in the case of a person who was the Deputy Sarpanch on demand by the Sarpanch of the Panchayat and Upadhyaksha of the Zilla Panchayat;

shall, on conviction, be punished with a fine which may extend to one hundred rupees.

212. *Penalty for interested member voting.*—Whosoever votes as member of a Panchayat or Zilla Panchayat in contravention of the provisions of sub-section (4) of section 55 or clause (g) of sub-section (2) of section 136, shall on conviction, be punished with fine which may extend to five hundred rupees.

213. *Penalty for acquisition by officer or servant of interest in contract.*—If any member, officer or servant of a Panchayat or Zilla Panchayat knowingly acquires for himself directly or indirectly, by himself or by a partner, employer or servant, any share or interest in any contract or employment with, by or on behalf of a Panchayat or Zilla Panchayat he shall, on conviction, be punished with fine which may extend to five hundred rupees:

Provided that no person shall, by reason of being a share-holder, in or member of, any company, be held to be interested in any contract entered into between such company and the Panchayat or Zilla Panchayat unless he is a Director of such company:

Provided further that nothing in this section shall apply to any person who, with the sanction of the Director enters into a contract with a Panchayat or Zilla Panchayat.

214. *Wrongful obstruction of certain officers.*—Any person who prevents the Chief Executive Officer or the Secretary or any person to whom such officer has lawfully delegated his powers from entering on or into any place, building or land, from exercising his lawful power of entering thereon or therein shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

215. *Prohibition against obstruction of Sarpanch or Deputy Sarpanch etc.*—Any person obstructing a Sarpanch, Deputy Sarpanch, Secretary or member of a Panchayat, Adhyaksha, Upadhyaksha, Chief Executive Officer or member of a Zilla Panchayat or any person employed by the Panchayat or Zilla Panchayat or any person with whom a contract has been entered into by or on behalf of a Panchayat or Zilla Panchayat in the discharge of his duty or of anything which he is empowered or required to do by virtue, or in consequence of this Act or any rules, bye-law, regulation or order made thereunder, shall, on conviction, be punished with fine which may extend to five hundred rupees.

216. *Prohibition against removal or obliteration of notice.*—Any person, who without authority in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by or under the orders of, a Panchayat, or Zilla Panchayat or its executive authority, shall, on conviction, be punished with fine which may extend to one hundred rupees.

217. *Penalty for not furnishing information or giving false information.*—Any person who is required by this Act or by any notice or by other proceedings issued thereunder to furnish any information, fails to furnish any information or knowingly furnishes false information, shall, on conviction, be punished with fine which may extend to one hundred rupees.

218. *Bidding prohibited.*— (1) No member or employee of the Panchayat or Zilla Panchayat or any officer having any duty to perform in connection with the sale of movable or immovable property under this Act shall directly or indirectly bid for or acquire interest in, any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees, and if he is an officer or employee of the Panchayat or Zilla Panchayat, shall also be liable for dismissal from service.

219. *Application of the term "public servant" to members of Panchayats and their officers and servants.*— Every member of Panchayat, or Zilla Panchayat and every officer and servant, employee under the Panchayat, or Zilla Panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1988 (Central Act 49 of 1988), for the time being in force.

220. *Damage to any property of Panchayats and how made good.*— If through any act, neglect or default on account of which any person shall have incurred penalty imposed by or under this Act and any damage to the property of any Panchayat or Zilla Panchayat shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty and the value of the damage shall, in case of dispute, be determined by the Court having jurisdiction. The person incurring such penalty shall be convicted, and on non-payment of such value on demand, the same shall be levied by distress, and the Court shall issue a warrant accordingly.

221. *Restrictions with respect to institution of suits against a Panchayat or Zilla Panchayat.*— (1) No suit for damages or compensation shall be instituted against any Panchayat or Zilla Panchayat or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Act or any rule, bye-law, regulation or order made thereunder until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Panchayat or Zilla Panchayat concerned or at the place of abode of such officer or person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

(2) If any person to whom any notice is given under sub-section (1), tenders the amount to the plaintiff before the suit is instituted and if the plaintiff does not recover in any such action more than the amount so tendered, he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(3) When the defendant in any suit is a member, Officer or servant of such Panchayat, or Zilla Panchayat or any person acting under its direction, the Secretary or Chief Executive Officer, as the case may be, shall determine whether defence shall be undertaken by such Panchayat or Zilla Panchayat and be paid for out of its fund.

(4) Nothing in this section shall be deemed to apply to any suit instituted under section 38 of the Specific Relief Act, 1963 (Central Act 47 of 1963).

222. *Injunction not to be granted in election proceedings.*— Notwithstanding anything in any law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the conduct of any election under this Act.

223. *Punishment for disobedience or orders and notices not punishable under any other section.*— Whoever disobeys or fails to comply with any lawful direction given by way of written notice issued by or on behalf of a Panchayat, or Zilla Panchayat under any power conferred by this Act or fails to comply with the conditions subject to which any permission was given to him by the Panchayat, or Zilla

Panchayat concerned under any power so conferred, shall, on conviction, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to one hundred rupees and with further fine which may extend to five rupees for every day during which the said disobedience or failure continues after the date of first conviction;

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, the Magistrate shall determine whether the time so fixed was reasonable.

224. *In default of owner or occupier, Panchayat may execute works and recover expenses.*— (1) Whenever under the provisions of this Act, any work is required to be executed by the owner or occupier of any building, or land, and default is made in the execution of such work, the Panchayat, or Zilla Panchayat concerned whether any penalty is or is not provided for such default, may cause such work to be executed, and the expenses thereby incurred shall unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by installments, as the Panchayat, or Zilla Panchayat concerned may deem fit.

(2) If the defaulter is the owner of the building or land, the Panchayat, or Zilla Panchayat concerned may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require such owner subject to the provisions of sub-section (3), to make the payment of all or any part of the expenses payable by the owner for the time being from the person who then or at any time thereafter occupies the building or land under such owner, and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII. Every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged on the owner thereof, then the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for the purpose by a Panchayat, or Zilla Panchayat truly to disclose the amount of his rent, and the name and address of the person to whom the rent is payable, but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier.

Provided that nothing herein contained shall be deemed to affect any special contract made between any such occupier and the owner respecting payment of the expenses of any such works as aforesaid.

225. *Expenses or costs how determined and recovered.*— If a dispute arises with respect to any expenses or costs which are by this Chapter directed to be paid, the amount, and if necessary, the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Panchayat, or Zilla Panchayat concerned and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

226. *Bar of suits, etc.*— (1) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Act, or for the recovery of any sum or money collected under

the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Act have been in substance and effect complied with.

(2) No suit or other legal proceeding shall lie against a Chief Executive Officer of Executive Officer or Secretary or any other officer of the Government or a Panchayat, or Zilla Panchayat concerned or any member, officer, servant or agent of such Panchayat, or Zilla Panchayat acting under its direction in respect of anything done or purporting to have been lawfully done and in good faith under this Act or any rule, regulation, bye-law or order made thereunder except with the previous sanction of the Zilla Panchayat or such officers as the Zilla Panchayat may specify.

(3) No suit or other legal proceeding shall lie against the Government in respect of anything done under this Act, or any rule, regulations or bye-laws made thereunder.

“(4) No suit shall lie against the Government for carrying out any development activities specified in schedules I & II or any other development work”.

227. *Alternative programme by suit.*— In lieu of any process of recovery allowed by or under this Act, in case of failure to realise by such process the whole or any part of any amount recoverable under the provision of Chapter VIII or of any compensation, expenses, charges or damage awarded under this Act, the Panchayat, or Zilla Panchayat concerned may sue in any court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any way caused any injury to any property, rights or privileges of the Panchayat, or Zilla Panchayat.

228. *Punishment for offences under this Act and powers to compound.*— (1) Whoever,—

(a) rents, alters, adds to or reconstructs a building without the written permission required by section 66 or in contravention of any of the conditions imposed by it;

(b) uses any place without a licence required by sections 68, 69, 70 and 71 or in contravention of any of the conditions or during the suspension of the licence; or

(c) contravenes any other provision of this Act, shall on conviction, be punished with fine which may extend to five hundred rupees, and in the case of a continuing offence with a fine which may extend to five rupees for every day after the first conviction during which the offence continues.

(2) Upon a conviction under clause (b) of sub-section (1) in respect of any place, the Magistrate shall, on the application of the Panchayat, or Zilla Panchayat as the case may be, but not otherwise, order such place to be closed, and thereupon appoint such persons or take such other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been ordered to be closed, shall be punished with fine which may extend to five rupees for each day during which he continues to use or permits such use of the place after it has been so ordered to be closed.

(3) A Panchayat, or Zilla Panchayat or such officer as the Zilla Panchayat may authorise in this behalf, may, accept by way of composition a sum of money as may be prescribed from any person, who, in the opinion of the Panchayat, or Zilla Panchayat or the authorised Officer, as the case may be, has committed,—

(i) any of the aforesaid offences referred to in sub-section (1) other than under section 66 or section 68.

(ii) any other offence under this Act or under any rule, regulation or bye-law made thereunder and on such composition, no proceedings shall be taken against such person in respect of such offence.

229. *Annual administration report.*— (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Secretary of the Panchayat shall place before the Panchayat, a report of the administration of the Panchayat, during the preceding financial year in such form and with such details as the Government may direct and shall forward the report with the resolution of the Panchayat thereon to the Zilla Panchayat.

(2) The Zilla Panchayat shall on receipt of the report under sub-section (1), review the working of the Panchayats and shall submit a consolidated report in this behalf to the Government.

(3) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Chief Executive Officer shall prepare a report on the administration of the Zilla Panchayat during the preceding year in such form and with such details as the Government may direct and submit the report to the Zilla Panchayat. After approval by the Zilla Panchayat, the report shall be submitted to the Government.

(4) The report submitted under sub-sections (2) and (3) to the Government shall together with a memorandum by the Government reviewing the working of the Panchayats and Zilla Panchayats, shall be laid before the House of the State Legislature.

230. *Adjustment of Government dues, etc.*— If a Panchayat, Zilla Panchayat makes default in the payments of any amounts, loan installment or interest due to the Government or the salaries, allowances or leave and pensionary contributions of Government servants deputed for service under such Panchayats, the Government may make an order directing the person having the custody of the Fund of the Panchayats concerned to pay the amount due in priority to any other charge against such fund and such person shall so far as the amounts to the credit of such Fund admit, be bound to comply with the order.

241. *Amendment of Schedules I, II and III.*— The Government may, by notification, in the Official Gazette, omit, amend or add any activity, Programme or Scheme covered by or mentioned in Schedules I, II and III. And the issue of such notification, the Schedule shall be deemed to have been amended accordingly. Every such notification shall be placed before the State Legislature.

241 A. - *Delegation of powers.*— (1) The Government may by notification in the Official Gazette, delegate all or any of the powers and duties under the Act except the power to make rules under section 240, to any Officer subject to such conditions, if any, as may be specified in the notification.

(2) The Director, with the previous approval of the Government, may delegate any of his powers conferred upon him under the Act to any Officer subordinate to him subject to such conditions, if any, as may be specified in the notification:

Provided that nothing shall prevent the Government or the Director to exercise any of the powers on such matters which are assigned under sub-section (1) and (2) as the case may be.

242. *Power of Zilla Panchayat to make regulations.*— (1) A Zilla Panchayat may, subject to the provisions of this Act and the rules made under section 240 and with the previous sanction of the Government, by notification, make regulations to carry out the purposes of this Act in so far it relates to its powers and duties.

(2) The regulations made under sub-section (1), shall be subject to the condition of previous publication.

243. *Power of Panchayats to make bye-laws.*—(1) A Panchayat may, subject to the provisions of this Act and the rules made under section 240 and the regulations made under section 242 and with the previous sanction of the Zilla Panchayat, make bye-laws to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) In particular and without prejudice to the generality of the foregoing power, a Panchayat may make bye-laws,—

(a) for the purification and protection from pollution of all sources of water used for drinking purposes;

(b) for the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes, or is likely to cause disease or injury to health and for the prevention of such removal or use by the filling in or covering over of such tank or well, or by any other method which may be considered advisable;

(c) for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience;

(d) for the regulation of dangerous or offensive callings or trade;

(e) for the disposal of corpses by burning or burial;

(f) for excavation of earth and filling up of excavations and depressions injurious to health or offensive to the neighbourhood;

(g) for the removal of noxious vegetation;

(h) for the repair and removal of dangerous or ruinous buildings;

(i) for the prevention of the erection of buildings without adequate provisions for ventilation or the laying out and location of streets;

(j) for specifying fees payable under section 73;

(k) for the control of fairs and bazaars and the regulation of markets, slaughter houses and cart stands;

(l) for the inspection and destruction of unfit food and drink exposed for sale;

(m) for general regulation of sanitation and conservancy;

(n) the management and maintenance of cattle pounds; and

(o) performance of other duties assigned by the Government, the Zilla Panchayat or Panchayat.

(3) In making any bye-laws under sub-sections (1) and (2), the Panchayat may provide that a contravention thereof shall be punishable,—

(a) with fine which may extend to twenty-five rupees;

(b) with fine which may extend to twenty-five rupees and in case of continuing contravention with an additional fine which may extend to two rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend to two rupees for every day during which the contravention continues, after receipt of a notice from the Panchayat or any officer duly authorised in this behalf, by the person contravening the bye-laws requiring such person to discontinue such contravention.

(4) Any such bye-law may also provide that a person contravening the same shall be required to remedy so far as it lies in his power, the mischief, if any, caused by such contravention.

(5) All bye-laws made under this section shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

244. *Power of Government to make model regulations and bye-laws and adoption of such regulations and bye-laws by the Panchayats.*—(1) The Government may, subject to the provisions of this Act and the rules made under section 240, and previous publication of the draft for not less than one month, make model regulations and bye-laws for Panchayats and Zilla Panchayats.

(2) A Panchayat or Zilla Panchayat may by resolution adopt the model bye-laws or regulations, as the case may be, made under sub-section (1), and such bye-laws and regulations shall come into force within the jurisdiction of the Panchayat or Zilla Panchayat from such date as the case may be, it may specify in a notice published in the prescribed manner.

(3) The Government may, by order, direct any Panchayat, or Zilla Panchayat to adopt the model bye-laws and regulations in respect of any matter within such period not being less than three months from the date of receipt of the direction by the Panchayat or Zilla Panchayat concerned.

(4) If any Panchayat, or Zilla Panchayat, fails to take any action for adopting the model bye-laws or regulations, as the case may be, the Government may, by notifications, declare that the said model bye-laws or regulations, as the case may be, shall come into force within the jurisdiction of the Panchayat or Zilla Panchayat from such date as may be specified in such notification, and such bye-laws or regulations, as the case may be, shall come into force accordingly.

(5) The provisions of this section shall have the effect notwithstanding anything contained in sections 242 and 243.

246. *Removal of difficulties.*— If any difficulty arises in giving effect to the provisions of this Act, the Government may by order, published in the Official Gazette as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

SCHEDULE - I

Functions and responsibilities of Village Panchayat

I. General Functions:

(1) Preparation of annual plans for the development of the Panchayat area.

(2) Preparation of annual budget.

(3) Providing reliefs in natural calamities.

(4) Removal of encroachments on public properties.

(5) Organising voluntary labour and contribution for community works.

(6) Maintenance of essential statistics of the village.

(7) Demolition of unauthorised constructions.

II. Agriculture, including agricultural extension:

(1) Development of waste lands.

(2) Development and maintenance of grazing lands and preventing their unauthorised alienation and use.

III. Animal Husbandry, Dairying and Poultry:

- (1) Promotion of dairy farming, poultry and piggery.
- (2) Grass land development.

IV. Fisheries:

Development of fisheries in the villages.

V. Social and Farm Forestry, minor Forest Produce Fuel and Fodder:

- (1) Planting and preservation of trees on the sides of roads and other public lands under its control.
- (2) Fuel plantation and fodder development.
- (3) Promotion of farm forestry.
- (4) Development of Social forestry.

VI. Khadi, Village and Cottage Industries:

- (1) Promotion of rural and cottage industries.
- (2) Organisation of conferences, seminars and training programmes, agricultural and industrial exhibitions for the benefit of the rural areas.

VII. Rural Housing:

- (1) Distribution of house sites within Village Panchayat limits.
- (2) Maintenance of records relating to the house sites and other private and public properties.

VIII. Drinking water:

- (1) Construction, repairs and maintenance of drinking water well, tanks and ponds.
- (2) Prevention and control of water pollution.
- (3) Maintenance of rural water supply schemes.

IX. Roads, buildings, culverts, bridge, ferries, waterways and other means of communication:

- (1) Construction and maintenance of village roads, drains and culverts.
- (2) Maintenance of buildings under its control or transferred to it by the Government or any public authority.

X. Rural electrification:

Providing for and maintenance of lighting of public streets and other places.

XI. Non-conventional energy source:

- (1) Promotion and development of non-conventional energy schemes.
- (2) Maintenance of community non-conventional energy devices, including bio-gas plants.
- (3) Promotion of approved chullas and other efficient energy devices.

XII. Poverty alleviation programmes:

- (1) Promotion of public awareness and participation in poverty alleviation programmes for fuller employment and creation of productive assets, etc.
- (2) Selection of beneficiaries under various programmes.
- (3) Participation in effective implementation and monitoring.

XIII. Education including Primary Schools:

- (1) Promotion of public awareness and participation in primary education.
- (2) Ensuring full enrolment and attendance in primary schools.

XIV. Adult and non-formal education:

Promotion of adult literacy.

XV. Libraries:

Village libraries and reading rooms.

XVI. Cultural activities:

Promotion of social and cultural activities.

XVII. Markets and fairs:

Regulation of fairs (including cattle fairs) and festivals.

XVIII. Rural sanitation:

- (1) Maintenance of general sanitation.
- (2) Cleaning of public roads, drains, tanks, wells and other public places.
- (3) Maintenance and regulation of burning and burial grounds.
- (4) Construction and maintenance of public latrines.
- (5) Disposal of unclaimed corpses and carcasses.
- (6) Management and control of washing and bathing ghats.

XIX. Public Health and Family Welfare:

- (1) Implementation of Family Welfare Programmes.
- (2) Prevention and remedial measures against epidemics.
- (3) Regulation of sale of meat, fish and other perishable food articles.
- (4) Participation in programmes of human and animal vaccination.
- (5) Licensing of eating and entertainment establishments.
- (6) Destruction of stray dogs.
- (7) Regulation of offensive and dangerous trades.
- (8) Regulation of curing, tanning and dyeing of skins and hides.

XX. Women and Child development:

- (1) Participation in the implementation of women and child welfare programme.
- (2) Promotion of schools health and nutrition programmes.

XXI. Social welfare, including welfare of the handicapped and mentally retarded:

(1) Participation in the implementation of the social welfare programmes, including welfare of the handicapped, mentally retarded and destitutes.

(2) Monitoring of old age and widows pension schemes.

XXII. Welfare of the Weaker Sections and in particular the Scheduled Castes and Scheduled Tribes:

(1) Promotion of public awareness with regard to Welfare of Scheduled Castes, Scheduled Tribes and Other Weaker Sections.

(2) Participation in the implementation of the specific programmes for the welfare of the Weaker Sections.

XXIII. Maintenance of community assets:

(1) Maintenance of community assets.

(2) Preservation and maintenance of other community assets.

XXIV. Construction and Maintenance of cattle sheds, ponds and cart stands:**XXV. Construction and maintenance of slaughter houses:****XXVI. Maintenance of Public Parks, playgrounds, etc.****XXVII. Regulation of manure pits in public places:****XXVIII. Establishment and control of Shandies:****XXIX. Such other functions as may be entrusted:****SCHEDULE - II****Functions and responsibilities of Zilla Panchayat****I. General functions:**

Overall supervision, co-ordination and integration of development schemes at Taluka and District levels and preparing the plan for the development of the District.

II. Agriculture (including Agricultural Extension) and Horticulture:

(1) Promotion of measures to increase agricultural production and to popularise the use of improved agricultural practices.

(2) Opening and maintenance of agricultural and horticultural farms and commercial farms.

(3) Establishment and maintenance of godowns.

(4) Conducting agricultural fairs and exhibitions.

(5) Management of agricultural and horticultural extensions and training centres.

(6) Training of farmers.

III. Land improvement and soil conservation:

Planning and implementation of land improvement and soil conservation programmes entrusted by the Government.

IV. Minor Irrigation, Water Managements and Watershed Development:

(1) Construction, renovation and maintenance of minor irrigation works.

(2) Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Panchayat.

(3) Watershed development programmes.

(4) Development of ground water resources.

V. Animal Husbandry, Dairying and Poultry:

(1) Establishment and maintenance of Taluka and village veterinary hospitals, first-aid centres and mobile veterinary dispensaries.

(2) Improvement of breed of cattle, poultry and other livestock.

(3) Promotion of dairy farming, poultry and piggery.

(4) Prevention of epidemics and contagious diseases.

VI. Fisheries:

(1) Development of fisheries in irrigation works vested in the Zilla Panchayat.

(2) Promotion of inland, brackish water and marine fish culture.

(3) Implementation of fishermen's welfare programmes.

VII. Khadi, Village and Cottage Industries:

(1) Promotion of rural and cottage industries.

(2) Establishment and management of training-cum-production centre.

(3) Organisation of marketing facilities for products of cottage and village industries.

(4) Implementation of schemes of States Boards and All India Boards and Commissions for development of rural and cottage industries.

VIII. Small-Scale industries including Food Processing Industries:

Promotion of small scale industries.

IX. Rural Housing:

Promotion of rural housing programmes.

X. Drinking water:

Promotion of drinking water and rural sanitation.

XI. Minor forest produce and Fuel and Fodder:

(1) Promotion of social and farm forestry, fuel plantation, fodder development.

(2) Management of minor forest produce of the forests raised community lands.

(3) Development of waste lands.

XII. Roads, Buildings, Bridges, Ferries, Waterways and other means of communication:

- (1) Construction and maintenance of district roads and culverts, causeways and bridges (excluding State Highways and village roads).
- (2) Construction of administrative and other buildings connected with the requirement of the Zilla Panchayat.

XIII. Non-Conventional Energy sources:

Promotion and development of non-conventional energy sources.

XIV. Poverty Alleviation Programmes:

Planning, supervision and monitoring the implementation of poverty alleviation programmes.

XV. Education including primary schools:

- (1) Promotion of educational activities in the district including the establishment and maintenance of primary schools.
- (2) Establishment and maintenance of Ashram School and orphanages.
- (3) Survey and evaluation of education activities.

XVI. Technical training and vocational Education:

- (1) Establishment and maintenance of rural artisan vocational training centres.
- (2) Encouraging and assisting rural vocational training centre.

XVII. Adult and Non-formal Education:

Planning and implementation of programmes of adult literacy and non-formal education programme.

XVIII. Markets and Fairs:

Regulation of important fairs and festivals in the district.

XIX. Health and Family Welfare:

- (1) Management of hospitals and dispensaries excluding those under the management of Government or any local authority.
- (2) Implementation of maternity and child health programmes.
- (3) Implementation of family welfare programmes.
- (4) Implementation of immunisation and vaccination programme.

XX. Women and Child Development:

- (1) Promotion of programme relating to development of women and children.
- (2) Promotion of school health and nutrition programmes.
- (3) Promotion of participation of voluntary organisations in women and child development programmes.

XXI. Welfare of the weaker sections and in particular of handicapped and mentally retarded:

Promotion of Social Welfare Programmes, including welfare of handicapped, mentally retarded and destitutes.

XXII. Welfare of the weaker sections and in particular of the scheduled castes and scheduled tribes:

- (1) Promotion of educational, economic, social, cultural and other interest of the scheduled castes, scheduled tribes and backward classes.
- (2) Protecting such castes, tribes and classes from social injustices and all forms of exploitation.
- (3) Establishment and management of hostel for such castes, tribes and classes.
- (4) Supervision and management of hostels in the district, distribution of grants, loans and subsidies to individuals and other schemes for the welfare of scheduled castes, scheduled tribes and backward classes.

XXIII. Maintenance of community assets:

- (1) Maintenance of community assets vested in it or transferred to it by the Government or any local authorities or organisation.
- (2) Assisting the Government in the preservation and maintenance of other community assets.

XXIV. Cultural activities:

Promotion of social and cultural activities.

XXV. Rural Electrification.

XXVI. Co-operation:

Promotion of Co-operative activities.

XXVII. Libraries:

Promotion of libraries.

XXVIII. Such other functions as may be entrusted.

SCHEDULE - III

Taxes and their Maximum Rates

<i>A. Tax on property:</i>		Maximum Rate of Tax
1. Tax on buildings		Such rate of tax as may be prescribed
<i>Explanation:</i> "Annual letting value" means "the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to be let from year to year".		
2. Tax on lands not subject to agriculture assessment		For every one hundred square metre, one rupee per annum.
<i>B. Tax on Entertainments:</i>		Twenty rupees per entertainment.
<i>C. Fees on bus stands:</i>		Two rupees per bus per day.

D. Fee on Markets:

- | | |
|---|--|
| (i) For every plot measuring not more than one square metre. | Fifty paise per day. |
| (ii) For every additional plot of one square metre or part thereof. | Twenty five paise per day, eight rupees per month. |
| (iii) Per basket or bag of any commodity. | One rupee. |
| (iv) Per cart load bag of any commodity. | Twenty rupees per month. |

E. Tax on advertisement and Hoarding:

- | | |
|---|------------------------|
| For every square metre or part thereof. | Five rupees per month. |
|---|------------------------|

F. Fee on Registration of cattle:

- | | |
|---|-----------|
| For every head of cattle brought for sale in Shandies or fairs. | One rupee |
|---|-----------|

- | | |
|---|-----------|
| G. (i) Sand extraction for M3. | One rupee |
| (ii) Laterite stones or other stone extracted for M3. | One rupee |

Assembly Hall,
Panaji,
10th July, 1999.

P. N. RIVANKAR
Secretary to the
Legislative Assembly of Goa.